

U.S. Department of Labor Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246



03/15/2021

Schneider Electric
and its successors
5735 College Corner Pike
Oxford, OH 45056

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (513) 841-4132.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Dottie Wallace".

 **Ken E. Montgomery**
Area Director

Enclosures

U.S. Department of Labor Occupational Safety and Health Administration
36 Triangle Park Drive

Cincinnati, OH 45246



03/15/2021

Schneider Electric
and its successors
5735 College Corner Pike
Oxford, OH 45056

Dear Employer,

The recent inspection of your workplace revealed no instances of Repeated, Willful, or Failure-To-Abate violations, nor were there a significant number of High Gravity Serious violations. Additionally, the compliance officer has reported that you have a good understanding of the actions necessary to correct the violations cited, and that you are willing to make those corrections by the date(s) specified in the attached citation. These factors, along with the good faith you have exhibited, make your firm eligible for an Expedited Informal Settlement Agreement (EISA). Under this program, an employer and OSHA can enter into an Informal Settlement Agreement without going through the formal procedure of meeting in the Area Office. However, if you decide to enter into the EISA, you should be aware that you relinquish your right to contest the citations and penalties of this inspection.

The EISA can be used only where the sole issue of dispute is the dollar amount of proposed penalties. If you wish to discuss, change, or object to any other aspect of the inspection or citations -- including abatement dates, validity of violations, classification of violations -- then the EISA cannot be used. Under those circumstances, you may request an Informal Conference with me and/or exercise your contest rights as explained elsewhere.

You should carefully read the enclosed EISA to determine whether the terms of the agreement are acceptable to you. Key elements of the agreement call for OSHA to agree to a 30 percent reduction in the total penalty amount proposed; for the Employer to correct the violations by the abatement date(s) set forth in the citation(s); for the Employer to provide evidence of corrective actions taken and to provide written certification that all items have been abated at the time of final abatement. (The Certification Correction Action Worksheet is attached to the Citation and Notification of Penalty.) Please note that failure to comply with any of the terms set forth in the agreement will cause the penalty to revert to the initially proposed amount.

The signed agreement and a check for the full amount of the reduced penalty must be delivered to the Area Office prior to the expiration of the 15-working day contest period. If mailed, the letter must be postmarked no later than the day that the 15-working day contest period ends.

If you have any questions regarding the EISA, please contact this office at (513) 841-4132.

Sincerely,

A handwritten signature in blue ink that reads "Ken E. Montgomery".

Ken E. Montgomery
Area Director

IN THE MATTER OF: Schneider Electric
OSHA INSPECTION # 1509085
ISSUED: 03/15/2021

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Occupational Safety and Health Administration, (OSHA), in settlement of the above referenced Citation(s) and Notification(s) of Penalty, which were issued on , hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced citations.
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to the Area Director that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three days in the place the citations were posted as described in paragraph 6 of this AGREEMENT.
4. OSHA agrees that the total penalty is amended to \$36,044.40. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initially proposed penalty of \$51,492.00.
5. In consideration of the foregoing amendments and/or modifications to the citations, the EMPLOYER hereby waives its right to contest said citations pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970. It is understood and agreed by the Occupational Safety and Health Administration and the EMPLOYER that the citations as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Citations (Citations are required by law to be posted in a prominent place at or near the location of the violations). Citations must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and Federal Holidays, whichever is longer.)
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Company Official and Title

Ken E. Montgomery
Area Director

Date Signed

Date Signed

NOTICE TO EMPLOYEES

The law gives you and your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest of the abatement dates of the citations referred to in paragraph 1 of this Settlement Agreement must be mailed to the address below within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of the original citations:

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive
Cincinnati, OH 45246
(513) 841-4132 (513) 841-4114

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive

Cincinnati, OH 45246



Citation and Notification of Penalty

To:
Schneider Electric
and its successors
5735 College Corner Pike
Oxford, OH 45056

Inspection Number: 1509085
Inspection Date(s): 01/07/2021-03/01/2021
Issuance Date: 03/15/2021

Inspection Site:
5735 College Corner Pike
Oxford, OH 45056

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (513) 841-4132. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/15/2021. The conference will be held by telephone or at the OSHA office located at 36 Triangle Park Drive , Cincinnati, OH 45246 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1509085

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056
Issuance Date: 03/15/2021

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 36 Triangle Park Drive , Cincinnati, OH 45246.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 1 a Type of Violation: **Serious**

29 CFR 1910.134(c)(1): In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section, as applicable: 1910.134(c)(1)(I)Procedures for selecting respirators for use in the workplace; 1910.134(c)(1)(ii)Medical evaluations of employees required to use respirators; 1910.134(c)(1)(iii)Fit testing procedures for tight-fitting respirators; 1910.134(c)(1)(iv)Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations; 1910.134(c)(1)(v)Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators; 1910.134(c)(1)(vi)Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators; 1910.134(c)(1)(vii)Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations; 1910.134(c)(1)(viii) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and 1910.134(c)(1)(ix)Procedures for regularly evaluating the effectiveness of the program.

a) On or about September 17, 2020, the employer did not establish and implement a written respiratory program for maintenance employees who were required to wear 3M 8210 N95 respirators while working on the powder coat dust collectors, which contained SOL Epoxy DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole (skin and eye irritant, allergic reaction skin, mucous membrane irritant, inhalation hazard, combustible dust), and Armada dust collectors, which contained metal dust (combustible dust).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

April 29, 2021

Proposed Penalty:

\$6,436.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 1 b Type of Violation: **Serious**

29 CFR 1910.134(e)(1): General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

a) On or about September 17, 2020, the employer had not provided a medical evaluation for maintenance employees who were required to wear a 3M 8210 N95 respirators while working on the powder coat dust collectors, which contained SOL Epoxy DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole (skin and eye irritant, allergic reaction skin, mucous membrane irritant, inhalation hazard, combustible dust), and Armada dust collectors, which contained metal dust (combustible dust).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 1 c Type of Violation: **Serious**

29 CFR 1910.134(f)(1): The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

a) On or about September 17, 2020, the employer did not fit-test the respirators for maintenance employees who were required to wear 3M 8210 N95 respirators while working on the powder coat dust collectors, which contained SOL Epoxy DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole (skin and eye irritant, allergic reaction skin, mucous membrane irritant, inhalation hazard, combustible dust), and Armada dust collectors, which contained metal dust (combustible dust).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$0.00



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 1 d Type of Violation: **Serious**

29 CFR 1910.134(k): Training and information. This paragraph requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary. This paragraph also requires the employer to provide the basic information on respirators in Appendix D of this section to employees who wear respirators when not required by this section or by the employer to do so.

a) On or about September 17, 2020, the employer did not provided respirator training for maintenance employees who were required to wear 3M 8210 N95 respirators while working on the powder coat dust collectors, which contained SOL Epoxy DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole (skin and eye irritant, allergic reaction skin, mucous membrane irritant, inhalation hazard, combustible dust), and Armada dust collectors, which contained metal dust (combustible dust).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: April 29, 2021
Proposed Penalty: \$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.141(a)(3)(i): All places of employment shall be kept clean to the extent that the nature of the work allows.

a) On or about January 7, 2021, the employer failed to keep working areas clean in that employees were exposed to SOL DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole, (skin and eye irritant, allergic reaction skin, mucous membrane irritant, inhalation hazard, combustible dust), which was found to be coating the surfaces of objects, the floor, and the walls in the environmental room and around the powder coat line.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$6,436.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.146(c)(7)(i): A space classified by the employer as a permit-required confined space may be reclassified as a non-permit confined space under the following procedures: 1910.146(c)(7)(i) If the permit space poses no actual or potential atmospheric hazards and if all hazards within the space are eliminated without entry into the space, the permit space may be reclassified as a non-permit confined space for as long as the non-atmospheric hazards remain eliminated.

a) From October 8, 2020 to January 4, 2021, the employer had reclassified and entered the powder coat process line, a permit required confined space, on 13 occasions without ensuring the space posed no actual or potential atmospheric hazards in order for maintenance employees to perform repairs and preventive maintenance. On the cure oven, the natural gas was not always gas locked out until November of 2020, the preheat oven and cure oven were not isolated from the natural gas lines as the isolation procedure was not correctly performed by all employees, and the atmosphere was not tested.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$10,728.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 4 a Type of Violation: **Serious**

29 CFR 1910.146(d)(3)(i): Develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to, the following: Specifying acceptable entry conditions.

a) From October 8, 2020 to January 4, 2021, the employer reclassified and entered the powder coat process line , a permit required confined space, on 13 occasions without implementing the means, procedure and practices specifying safe entry conditions in order for maintenance employees to perform repairs and preventive maintenance. The cure oven did not have the natural gas locked out until November of 2020, the preheat oven and cure oven were not isolated from the natural gas using a double block and bleed, and the atmosphere was not tested in the spaces for natural gas, carbon monoxide, carbon dioxide, nitrogen oxide, and oxygen deficiency.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$10,728.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 4 b Type of Violation: **Serious**

29 CFR 1910.146(d)(5)(i): Test conditions in the permit space to determine if acceptable entry conditions exist before entry is authorized to begin, except that, if isolation of the space is infeasible because the space is large or is part of a continuous system (such as a sewer), pre-entry testing shall be performed to the extent feasible before entry is authorized and, if entry is authorized, entry conditions shall be continuously monitored in the areas where authorized entrants are working;

a) From October 8, 2020 to January 4, 2021, the employer reclassified and entered the powder coat process line, a permit required confined space, on 13 occasions without testing entry conditions for oxygen deficiency, natural gas, carbon monoxide, carbon dioxide, and nitrogen oxide.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	April 29, 2021
Proposed Penalty:	\$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.146(g)(3): The training shall establish employee proficiency in the duties required by this section and shall introduce new or revised procedures, as necessary, for compliance with this section.

a) On or about October 8, 2020, the employer did not provide training when a procedure was changed in that that employees were not trained on locking out the natural gas on the cure oven for the powder coat line, an entry supervisor and employees were not trained on how to isolate the natural gas lines on the cure oven and preheat oven, and entry supervisors were not trained to test for the atmospheric hazards in the permit required confined space prior to entry for hazards such as oxygen deficiency, natural gas, carbon monoxide, carbon monoxide, and nitrogen oxide.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$10,728.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1910.146(j): Duties of entry supervisors. The employer shall ensure that each entry supervisor:
1910.146(j)(1) Knows the hazards that may be faced during entry, including information on the mode, signs or symptoms, and consequences of the exposure; 1910.146(j)(2) Verifies, by checking that the appropriate entries have been made on the permit, that all tests specified by the permit have been conducted and that all procedures and equipment specified by the permit are in place before endorsing the permit and allowing entry to begin.

a) On or about October 8, 2020, the employer had not ensured that each entry supervisor knew the hazards in the permit required confined spaced and verified that the appropriate entries had been made, all tests specified by the permit were conducted, and that the procedures were in place before endorsing the permit in that the entry supervisors failed to recognize the atmospheric hazards present from the natural gas and the byproducts from heating the SOL Epoxy DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole which created carbon monoxide, carbon dioxide, and nitrogen oxide, and had not ensure that employees were locking out the natural gas line on the cure oven, and had not ensured proper isolation of the natural gas line.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: April 29, 2021
Proposed Penalty: \$0.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.1200(h)(3): Training. Employee training shall include at least: 1910.1200(h)(3)(ii) The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area; 1910.1200(h)(3)(iii) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

a) On or about January 7, 2021, the employer had not provided training on SOL Epoxy DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole (a combustible dust; skin, mucous membrane, and eye irritant; allergic skin reaction, and inhalation hazard).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 29, 2021
\$6,436.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(d)(1)(iii): The employer shall identify and evaluate the respiratory hazard(s) in the workplace; this evaluation shall include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be IDLH.

a) On or about February 8, 2021, the employer had not identified and evaluated the respiratory hazards in the workplace in that employees were exposed to SOL DK15-0907 Epoxy Powder Phenol Novolac Epoxy 2-Methylimidazole, (skin and eye irritant, allergic reaction skin, mucous membrane irritant, inhalation hazard, combustible dust), for items such as but not limited to repairing pumps for the powder coat line, using compressed air to spray down the walls of the fluidized bed for the powder coat line, and replacing filters and performing cleaning of the powder coat dust collector.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: April 29, 2021
Proposed Penalty: \$0.00

A handwritten signature in blue ink that reads "Ker E. Montgomery".

Ker E. Montgomery
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
36 Triangle Park Drive

Cincinnati, OH 45246



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Schneider Electric
Inspection Site: 5735 College Corner Pike, Oxford, OH 45056
Issuance Date: 03/15/2021

Summary of Penalties for Inspection Number: 1509085

Citation 1 Item 1a, Serious	\$6,436.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 1c, Serious	\$0.00
Citation 1 Item 1d, Serious	\$0.00
Citation 1 Item 2, Serious	\$6,436.00
Citation 1 Item 3, Serious	\$10,728.00
Citation 1 Item 4a, Serious	\$10,728.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5a, Serious	\$10,728.00
Citation 1 Item 5b, Serious	\$0.00
Citation 1 Item 6, Serious	\$6,436.00
Citation 2 Item 1, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$51,492.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these

restrictions or conditions do not exist.


If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Ken E. Montgomery

Area Director

3-15-2021

Date