

**U.S. Department of Labor** Occupational Safety and Health Administration  
500 Route 17 South  
2nd Floor  
Hasbrouck Heights, NJ 07604



01/19/2022

Sinclair & Rush, Inc.  
and its successors  
640 Dell Rd  
Carlstadt, NJ 07072

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 (201) 288-1700.

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.

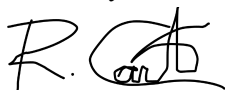
As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Levy". The signature is stylized and written in a cursive-like font.

for **Lisa Levy**  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
500 Route 17 South  
2nd Floor  
Hasbrouck Heights, NJ 07604



## Citation and Notification of Penalty

**To:**  
Sinclair & Rush, Inc.  
and its successors  
640 Dell Rd  
Carlstadt, NJ 07072

**Inspection Number:** 1547193  
**Inspection Date(s):** 08/04/2021 - 01/10/2022  
**Issuance Date:** 01/19/2022

**Inspection Site:**  
640 Dell Rd.  
Carlstadt, NJ 07072

*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 (201) 288-1700. 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](http://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](http://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 01/19/2022. The conference will be held by telephone or at the OSHA office located at 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1547193**

Company Name: Sinclair & Rush, Inc.  
Inspection Site: 640 Dell Rd., Carlstadt, NJ 07072  
Issuance Date: 01/19/2022

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, 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604.**

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

29 CFR 1910.1052(c)(1): Eight-hour time-weighted average (TWA) PEL. The employer shall ensure that no employee is exposed to an airborne concentration of MC in excess of twenty-five parts of MC per million parts of air (25 ppm) as an 8-hour TWA.

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about October 5, 2021, an assembly employee used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process was exposed to 54 Parts Per Million (PPM) of Methylene Chloride over 8-hours with zero exposure averaged for any unsampled time.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

February 22, 2022  
\$14,502.00





**Citation and Notification of Penalty**

**Company Name:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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 2 a** Type of Violation: **Serious**

29 CFR 1910.1052(d)(3): Where the initial determination showed employee exposures at or above the action limit or above the short term exposure limit, the employer did not establish a periodic exposure monitoring program for methylene chloride in accordance with Table 1:

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 4, 2021, the employer did not establish a periodic exposure monitoring program for assembly employees who used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process . An employee was exposed to 54 Parts Per Million (PPM) of Methylene Chloride over 8-hours with zero exposure averaged for any unsampled time, which is over 2 times the OSHA Permissible Exposure Limit (PEL).

Establish a periodic exposure monitoring program for methylene chloride exposures which complies with Table 1. The employer may decrease the frequency of 8-hour TWA exposure monitoring to every six months when at least two consecutive measurements taken at least seven days apart show exposures to be at or below the 8-hour TWA PEL. The employer may discontinue the periodic 8-hour TWA monitoring for employees where at least two consecutive measurements taken at least seven days apart are below the action level. The employer may discontinue the periodic STEL monitoring for employees where at least two consecutive measurements taken at least 7 days apart are at or below the STEL.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: February 22, 2022  
Proposed Penalty: \$14,502.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

29 CFR 1910.1052(d)(4)(i): The employer shall perform exposure monitoring when a change in workplace conditions indicates that employee exposure may have increased. Examples of situations that may require additional monitoring include changes in production, process, control equipment, or work practices, or a leak, rupture, or other breakdown.

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 4, 2021, the employer had not monitored the exposure of assembly employees who used Weldon 3, which contains 75 to 90% Methylene Chloride, for several years, despite changes in workplace conditions, such as but not limited to an increase in the amount of Weldon -3 used and the hood used for ventilation in the area stopped working.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	February 22, 2022
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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

29 CFR 1910.1052(e)(1): The employer did not establish a regulated area wherever an employee's exposure to airborne concentrations of methylene chloride exceeded or could reasonably be expected to exceed either the 8-hour Time Weighted Average Permissible Exposure Limit or the Short Term Exposure Limit:

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 21, 2021, the employer notified employees that on August 10, 2021, the company had monitored the exposure of assembly employees who used Weldon 3, which contains 75 to 90% Methylene Chloride, and found that there had been an exposure at a Time Weighted Average of 86.6 PPM for the 8 hour period, which exceeded the OSHA PEL of 25 PPM as a Time Weighted Average, but did not establish a regulated area despite being aware that airborne concentrations of methylene chloride could reasonably be expected to exceed the 8 hour Time weighted hour Permissible Exposure Limit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	February 22, 2022
Proposed Penalty:	\$14,502.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

29 CFR 1910.1052(f)(1): The employer did not institute and maintain the effectiveness of engineering controls and work practices to reduce employee exposure to or below the permissible exposure limits and wherever the feasible engineering controls and work practices which can be instituted were not sufficient to reduce employee exposure to or below the 8-hour time weighted average permissible exposure limit or short term exposure limit, the employer did not use them to reduce employee exposure to the lowest levels achievable and did not supplement them by the use of respiratory protection that complied with the requirements of 29 CFR 1910.1052(g):

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about October 5, 2021, an assembly employee used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process was exposed to 54 Parts Per Million (PPM) of Methylene Chloride over 8-hours with zero exposure averaged for any unsampled time. The employer did not institute engineering controls sufficient to reduce the employee's exposure below the OSHA's 8-hour Time Weighted Average Permissible Exposure Limit of 25 PPM and did not supplement them with the use of respiratory protection.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	February 22, 2022
Proposed Penalty:	\$14,502.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

29 CFR 1910.1052(g)(1)(i): Respirators were not used during periods when an employee's exposure to methylene chloride exceeds the 8-hour time weighted average permissible exposure limit or short term exposure limit:

a) Extrusion Department, Hand Assembly Permaseal AKA Tube Assembly: On or about October 5, 2021, an assembly employee used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process and was exposed to 54 Parts Per Million (PPM) of Methylene Chloride over 8-hours with zero exposure averaged for any unsampled time. The employer did not provide and require use of respiratory protection to reduce the employee's exposure below the OSHA's 8-hour Time Weighted Average Permissible Exposure Limit of 25 PPM.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	February 22, 2022
Proposed Penalty:	\$14,502.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

29 CFR 1910.1052(h)(1): Where needed to prevent MC-induced skin or eye irritation, the employer shall provide clean protective clothing and equipment which is resistant to MC, at no cost to the employee, and shall ensure that each affected employee uses it. Eye and face protection shall meet the requirements of 29 CFR 1910.133 or 29 CFR 1915.153, as applicable.

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 4, 2021, assembly employees used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process. The employees pour the Weldon 3, which is a liquid, from the one gallon container into smaller bottles, then used the smaller bottles to deliver the product to a shallow container into which the tube is dipped so the cap could be fused with it. The employer did not provide and require use of aprons, impervious gloves, eye and face protection to reduce the employee's exposure.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	February 22, 2022
Proposed Penalty:	\$14,502.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.1052(i)(2): If it is reasonably foreseeable that an employee's eyes may contact solutions containing 0.1 percent or greater MC (for example through splashes, spills or improper work practices), the employer shall provide appropriate eyewash facilities within the immediate work area for emergency use, and shall ensure that affected employees use those facilities when necessary.

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 4, 2021, assembly employees used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process and transferred the Weldon 3 from gallon containers, by pouring it into smaller containers without using eye protection. The employer did not provide an eyewash in the immediate work area. The nearest eyewash was about a hundred feet away and the path was blocked by racks of materials.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$10,360.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.1052(j)(1)(i): The employer did not make medical surveillance available for employees who were or potentially were exposed to methylene chloride at or above the action level on 30 or more days per year, or above the 8-hour time weighted average permissible exposure limit or the short term exposure limit on 10 or more days per year:

a) Extrusion Department, Hand Assembly Permaseal AKA Tube Assembly: On or about October 5, 2021, assembly employees used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process. The employer did not make medical surveillance available to employees who were or were potentially exposed at or above the action level on 30 or more days per year.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	February 22, 2022
Proposed Penalty:	\$14,502.00

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

**Inspection Number:** 1547193  
**Inspection Date(s):** 08/04/2021 - 01/10/2022  
**Issuance Date:** 01/19/2022



**Citation and Notification of Penalty**

**Company Name:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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Citation 1 Item 9 Type of Violation: **Serious**

29 CFR 1910.1052(l)(1): The employer shall provide information and training for each affected employee prior to or at the time of initial assignment to a job involving potential exposure to MC.

a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 4, 2021, assembly employees used Weldon 3, which contains 75 to 90% Methylene Chloride, to fuse the bottoms onto clear plastic cylindrical sections as part of the tube packaging manufacture process. The employer did not provide training to employees who are doing tube assembly with Weldon 3 prior to initial assignment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

February 22, 2022  
\$14,502.00

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:** Sinclair & Rush, Inc.  
**Inspection Site:** 640 Dell Rd., Carlstadt, NJ 07072

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

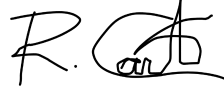
29 CFR 1910.1052(d)(5)(ii): When monitoring results indicated that employee exposure was above the eight hour time weighted average (TWA) permissible exposure limit (PEL) or the short term exposure limit (STEL), the employer did not describe in the written notification the corrective action being taken to reduce employee exposure to or below the eight hour TWA PEL or STEL and/or the schedule for completion of this action:

- a) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about August 21, 2021, the employer notified employees that on August 10, 2021, the company had monitored the exposure of assembly employees who used Weldon 3, which contains 75 to 90% Methylene Chloride, and found that there had been an exposure at a Time Weighted Average of 86.6 PPM for the 8 hour period, which exceeded the OSHA PEL of 25 PPM as a Time Weighted Average, but did not describe the corrective action being taken to reduce employee exposure below the TWA PEL and did not include a schedule for completion of this action.
  
- b) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about September 7, 2021, the employer notified employees that on August 26, 2021, the company had monitored the exposure of assembly employees who used Weldon 3, which contains 75 to 90% Methylene Chloride, and found that there had been an exposure at a Time Weighted Average of 43.1 PPM for the 8 hour period, which exceeded the OSHA PEL of 25 PPM as a Time Weighted Average, but did not describe the corrective action being taken to reduce employee exposure below the TWA PEL and did not include a schedule for completion of this action.
  
- c) Extrusion Department, Hand Assembly Permaseal/Tube Assembly: On or about October 15, 2021, the employer notified employees that on October 5, 2021, the company had monitored the exposure of assembly employees who used Weldon 3, which contains 75 to 90% Methylene Chloride, and found that there had been an exposure at a Time Weighted Average of 46.9 PPM for the 8 hour period, which exceeded the OSHA PEL of 25 PPM as a Time Weighted Average, but did not describe the corrective action being taken to reduce employee exposure below the TWA PEL and did not include a schedule for completion of this action.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** February 22, 2022  
**Proposed Penalty:** \$1,163.00

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



for **Lisa Levy**  
Area Director

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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
500 Route 17 South  
2nd Floor  
Hasbrouck Heights, NJ 07604



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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name: Sinclair & Rush, Inc.**  
**Inspection Site: 640 Dell Rd., Carlstadt, NJ 07072**  
**Issuance Date: 01/19/2022**

Summary of Penalties for Inspection Number: 1547193

Citation 1 Item 1, Serious	\$14,502.00
Citation 1 Item 2a, Serious	\$14,502.00
Citation 1 Item 2b, Serious	\$0.00

Citation 1 Item 3, Serious	\$14,502.00
Citation 1 Item 4, Serious	\$14,502.00
Citation 1 Item 5, Serious	\$14,502.00
Citation 1 Item 6, Serious	\$14,502.00
Citation 1 Item 7, Serious	\$10,360.00
Citation 1 Item 8, Serious	\$14,502.00
Citation 1 Item 9, Serious	\$14,502.00
Citation 2 Item 1, Other-than-Serious	\$1,163.00

**TOTAL PROPOSED PENALTIES: \$127,539.00**

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](http://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 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.

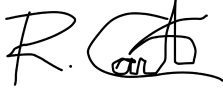
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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



01/19/2022

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for **Lisa Levy**  
Area Director

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Date