

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (920) 734-4521.**

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914
Phone: (920) 734-4521 Fax: (920) 734-2661




December 5, 2022

Dear Keli Muchowski,

On 06/30/2022, an OSHA compliance officer met with you or your representative as part of an inspection at 520 North Main Street, Kewaunee, WI 54216. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Robert J. Borjack, Area Director

Your Citation Summary

Kewaunee Fabrications, L.L.C.

Inspection Number: 1605245

Total Amount Due: \$250,696.00

**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 11

**Your First Correction Deadline is:
January 26, 2023**

Step 1 – Choose a Response Option and Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call our office at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

┌ ___ / ___



2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

┌ ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

┌ ___ / ___



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

┌ ___ / ___

Pay Online: Search “OSHA” on www.pay.gov and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days.** Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page **within 15 working days.**

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days.**

┌ ___ / ___

U.S. Department of Labor Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



12/05/2022

Kewaunee Fabrications, L.L.C.
and its successors
520 North Main Street
Kewaunee, WI 54216

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 (920) 734-4521.

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,


Robert J. Bonack
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
1648 Tri Park Way
Appleton, WI 54914



Citation and Notification of Penalty

To:
Kewaunee Fabrications, L.L.C.
and its successors
520 North Main Street
Kewaunee, WI 54216

Inspection Number: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022

Inspection Site:
520 North Main Street
Kewaunee, WI 54216

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 (920) 734-4521. 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 12/05/2022. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1605245

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216
Issuance Date: 12/05/2022

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, 1648 Tri Park Way, Appleton, WI 54914.**

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: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that they were exposed to crushed-by and struck-by hazards from fabricated parts falling from below-the-hook magnets.

At an establishment located at 520 North Main Street in Kewaunee, Wisconsin, in the Initial Processing Department:

- (a) On or about June 7, 2022, an employee using an Eriez XPL-15/9 Close Proximity Operated Lifting Magnet (Identifier: 5512K) was exposed to crushed-by and struck-by hazards created by a 1,254-lb counterweight falling from the permanent magnet after it failed to hold the load. The magnet had metal build-up and pitting on the contact surface and was not removed from service prior to use.
- (b) On or about June 23, 2022, to July 6, 2022, an employee utilizing a Power-Grip Close Proximity Operated Battery-Powered Magnet (S/N: 111895, rated load capacity 2,500 lbs) was knowingly exposed to potentially being struck and crushed by falling metal parts when the magnet was placed back in service after it failed a breakaway force test on or about June 23, 2022. The electromagnet failed to lift the minimum calculated breakaway force of 5,000 lbs.
- (c) On or about June 23, 2022, to July 6, 2022, an employee utilizing an O.S. Walker Close Proximity Operated Battery-Powered Magnet (S/N: 2558, rated load capacity 5,500 lbs) was knowingly exposed to potentially being struck and crushed by falling metal parts when the magnet was placed back in service after it failed a breakaway force test on or about June 23, 2022. The electromagnet failed to lift the minimum calculated breakaway force of 11,000 lbs.
- (d) On or about June 23, 2022, to July 6, 2022, an employee utilizing an O.S. Walker Close Proximity Operated Battery-Powered Magnet (Model WBM-25PB, rated load capacity 5,500 lbs) was knowingly exposed to potentially being struck and crushed by falling metal parts when the magnet was placed back in service after it failed a breakaway force test on or about June 23, 2022. The electromagnet failed to lift the minimum calculated breakaway force of 11,000 lbs.

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: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

Among other methods, one feasible and acceptable abatement method to correct this hazard is to ensure that the magnets are inspected before use, frequently, and periodically, in accordance with the manufacturer's manual and Section 20-3.3 of ASME B30.20-2021 Below-the-Hook Lifting Devices, including but not limited to section 20-3.3.9: Testing. Operational Tests: (a) New and reinstalled lifting magnets shall be tested by a qualified person, or a designated person under the direction of the manufacturer or a qualified person, prior to initial use to verify compliance with applicable provisions of this Volume, including, but not limited to, the following: (1) moving parts (2) latches (3) stops (4) switches (5) any control devices (6) alarms (b) Altered or repaired lifting magnets shall be tested by a qualified person, or a designated person under the direction of the manufacturer or a qualified person. The test may be limited to the components affected by the alteration or repair, as determined by a qualified person with guidance from the manufacturer. (c) All indicator lights, gauges, horns, bells, alarms, pointers, and other warning devices shall be tested. (d) Dated reports of all operational tests shall be filed.

(2) Design Factor Test. Close proximity operated lifting magnets should have an annual magnetic design factor test to verify the magnet meets (1)(-a) or (1)(-b). This test should be performed to the actual breakaway point of the magnet or may be performed at the calculated minimum breakaway force. 20-3.3.9.2 Load Test (a) Prior to initial use, all new, altered, or repaired lifting magnets shall be tested by, or under the direction of the manufacturer or a qualified person. The rated load of all lifting components associated with the magnet shall exceed the maximum breakaway force of the magnet to avoid overload, or the components shall not be included in the test. The test results shall be recorded confirming the load rating of the lifting magnet. (1) Breakaway Force Test (-a) General application lifting magnets shall be required to satisfy the rated breakaway force test. (-1) The rated load for permanent magnet lifters shall be less than 33% of the breakaway force measured in this test. (-2) The rated load for electromagnetic lifters shall be less than 50% of the breakaway force measured in this test. (-b) Specified application lifting magnets shall be required to satisfy the specified application lifting magnet breakaway force test. (-1) The rated load for permanent magnet lifters shall be less than 33% of the breakaway force measured in this test.

Inspect magnets before use, frequently, and periodically, in accordance with manufacturer's manual and Section 20-3.3 of ASME B30.20-2021 Below-the-Hook Lifting Devices, including but not limited to section 20-3.3: Inspection, Testing, and Maintenance. Subsequently following section 20-3.3.7 Removal Criteria: a lifting magnet shall be removed from service if any conditions such as the following are present (limits established by the manufacturer or qualified person) and would result in unsafe performance. A structural and mechanical lifting device shall only be returned to service when approved by a qualified person: (a) deformation, cracks, or wear (b) loose or missing guards, fasteners, covers, stops, or nameplates (c) excessive pitting or corrosion (d) excessive nicks or gouges (e) indications of heat damage (f) unauthorized welds or modifications (g) unauthorized replacement components (h) improper assembly or function (i) lift surfaces (1) excessive surface wear, (2) nicks, gouges, or any parts impeding the lifting surface from full contact with the load, (3) foreign material.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$14,502.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.29(b)(1): The top edge height of top rails, or equivalent guardrail system members, are 42 inches (107 cm), plus or minus 3 inches (8 cm), above the walking-working surface. The top edge height may exceed 45 inches (114 cm), provided the guardrail system meets all other criteria of paragraph (b) of this section (see Figure D-11).

On or about July 12, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; the employer did not ensure the top rails of the guardrail system were 42 inches, plus or minus 3 inches, above the walking-working surface. The two steps leading from the operator's carriage to the platform of the Bay 5 South straightening press were provided with a guardrail system where the top rail was approximately 28 inches above the walking-working surface. Employees accessing and egressing the press platform were exposed to a fall hazard of approximately 66 inches to the ground level.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8,287.00

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: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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 3 a Type of Violation: **Serious**

29 CFR 1910.178(o)(1): Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered.

On or about July 21, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; the employer did not ensure only safely arranged loads were handled when employees utilized in-house fabricated wagons and paint carts or "Picture Frames" to move fabricated parts and raw materials in the storage yard and throughout the facility. The wagons were prone to slipping off the forks during handling, when braking, and during wet weather.

Date By Which Violation Must be Abated:
Proposed Penalty:

January 26, 2023
\$10,360.00

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: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.178(o)(2): Only loads within the rated capacity of the truck shall be handled.

On or about June 30, 2022, to July 21, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; employees were handling loads that weighed in excess of 8,000 lbs. with forklifts that had a rated capacity of 6,050 lbs. Employees utilized wagons to transport fabricated parts throughout the storage yard and the facility during the fabrication and finishing processes.

Date By Which Violation Must be Abated:
Proposed Penalty:

January 26, 2023
\$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: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.178(l)(3)(ii)(B): Powered industrial truck operators shall receive initial training in workplace-related topics; Composition of loads to be carried and load stability.

a) On or about July 14, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; employees were exposed to struck-by and crushed-by hazards created by employees operating forklifts that had not received training regarding the load composition and load stability of the in-house fabricated wagons or trailers. Wagons or trailers were utilized to move raw materials and fabricated parts in the storage yard and throughout the plant.

b) On or about July 21, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; employees were exposed to struck-by and crushed-by hazards created by employees operating forklifts that had not received training regarding the load composition and load stability of the in-house fabricated paint carts or "Picture Frames". Paint carts or "Picture Frames" were utilized to move painted parts in the storage yard and painting areas.

Date By Which Violation Must be Abated:
Proposed Penalty:

January 26, 2023
\$10,360.00



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.184(i)(9): Removal from service. Synthetic web slings shall be immediately removed from service if any of the following conditions are present: (i) Acid or caustic burns; (ii) Melting or charring of any part of the sling surface; (iii) Snags, punctures, tears or cuts; (iv) Broken or worn stitches; or (v) Distortion of fittings:

a) On or about July 13, 2022, at a facility located at 520 North Main Street in Kewaunee, Wisconsin; employees were exposed to potential struck-by and crushed-by hazards created by a synthetic web sling that was not removed from service immediately when the sling was used to lift fabricated parts onto the 250-ton Farquhar hydraulic press and became degraded in the center of the sling, showing red indicator threads where it had abraded.

b) On or about July 21, 2022, at a facility located at 520 North Main Street in Kewaunee, Wisconsin; employees were exposed to potential struck-by and crushed-by hazards created by an 8-foot synthetic web sling that was not removed from service immediately after it showed signs of wear, threading damage, and cuts to the sling threads. The 8-foot nylon Safeway Sling (STK NO. EE2-902P) was showing red indicator threads near the center of the sling where it had been partially cut.

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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

On or about July 21, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; employees welding on ladder fixtures were exposed to crushing hazards associated with the vertical movement of the ladder fixtures used to rotate and lift fabricated ladders for welder employees. The ladder fixtures were operated using a pendant controller that was accessible to other employees working in the area and a second welder on the same fixture. The machines were not effectively guarded to prevent exposure to these hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

January 26, 2023
\$10,360.00

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: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.219(f)(3): Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets.

On or about July 1, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin, in Bay 4; employees were exposed to ingoing nip points and caught in hazards created by a chain and sprocket on a Worthington welding positioner (S/N: 53414). The chain and sprocket were not effectively guarded to prevent exposure to the hazards.

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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.303(g)(1): Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

On or about July 13, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; an electrical disconnect located in Bay 4 South utilized for Jib Crane 10D and Jib Crane 9D was blocked with permanent storage racking immediately in front of the disconnect.

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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

On or about July 13, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin; an unused opening in a 480-volt disconnect located in Bay 4 was not effectively closed when the control handle was removed. An employee was painting a nearby electrical conduit pipe in a scissors lift and was exposed to electrical shock hazards.

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.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1605245
Inspection Date(s): 06/30/2022 - 12/05/2022
Issuance Date: 12/05/2022



Citation and Notification of Penalty

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.333(c)(2): "Work on energized equipment." Only qualified persons may work on electric circuit parts or equipment that have not been deenergized under the procedures of paragraph (b) of this section. Such persons shall be capable of working safely on energized circuits and shall be familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

On or about July 5, 2022, at a facility located at 520 North Main Street in Kewaunee, Wisconsin, in Bay 12; the employer did not ensure that only qualified persons were working near an energized 480-volt Ingersol Cabinet #1 (panel KFI-CPNL-4531). The employee opened the panel to observe if the relays were tripped after the Bay 12 East Ingersol machine tooling jammed and was not familiar with the proper use of special precautionary techniques and personal protective equipment, exposing the employee to 480-volt electrical hazards.

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: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216

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

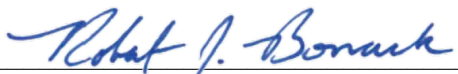
29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

On or about July 13, 2022, at an establishment located at 520 North Main Street in Kewaunee, Wisconsin, in Bay 9, Initial Processing Department; at the Farquhar 250-ton hydraulic press; employees assigned to operate the press for straightening steel and aluminum parts had their hands exposed to the lowering ram's pinch point and caught-under crushing hazards likely to result in amputation or other serious injuries. Operators were required to place their hands near the unguarded point-of-operation and its associated danger zone to hold wood blocks in position between the stationary aluminum parts on the bed and the ram lowering onto the block for the initial contact. The employer did not safeguard the point-of-operation to prevent operator's access during the hazardous vertical downstroke.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: January 26, 2023
Proposed Penalty: \$145,027.00


Robert J. Bonack
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
1648 Tri Park Way
Appleton, WI 54914



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Kewaunee Fabrications, L.L.C.
Inspection Site: 520 North Main Street, Kewaunee, WI 54216
Issuance Date: 12/05/2022

Summary of Penalties for Inspection Number: 1605245

Citation 1 Item 1, Serious	\$14,502.00
Citation 1 Item 2, Serious	\$8,287.00
Citation 1 Item 3a, Serious	\$10,360.00
Citation 1 Item 3b, Serious	\$0.00
Citation 1 Item 4, Serious	\$10,360.00
Citation 1 Item 5, Serious	\$10,360.00
Citation 1 Item 6, Serious	\$10,360.00
Citation 1 Item 7, Serious	\$10,360.00
Citation 1 Item 8, Serious	\$10,360.00
Citation 1 Item 9, Serious	\$10,360.00
Citation 1 Item 10, Serious	\$10,360.00
Citation 2 Item 1, Willful - Serious	\$145,027.00

TOTAL PROPOSED PENALTIES: \$250,696.00

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.

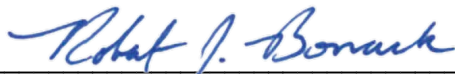
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Robert J. Bonack

Area Director

December 6, 2022

Date