

U.S. Department of Labor Occupational Safety and Health Administration
1400 Old Country Road
Suite 208
Westbury, NY 11590



02/27/2023

Kessler Thermometer Corp.
and its successors
40 Gleam Street
West Babylon, NY 11704

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 (516) 334-3344.

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,

Kevin J. Sullivan
Kevin J. Sullivan
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
1400 Old Country Road
Suite 208
Westbury, NY 11590



Citation and Notification of Penalty

To:
Kessler Thermometer Corp.
and its successors
40 Gleam Street
West Babylon, NY 11704

Inspection Number: 1621467
Inspection Date(s): 09/12/2022 - 02/27/2023
Issuance Date: 02/27/2023

Inspection Site:
40 Gleam Street
West Babylon, NY 11704

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 (516) 334-3344. 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 02/27/2023. The conference will be held by telephone or at the OSHA office located at 1400 Old Country Road, Suite 208, Westbury, NY 11590 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1621467

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704
Issuance Date: 02/27/2023

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, 1400 Old Country Road, Suite 208, Westbury, NY 11590.**

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.120(q)(1): The employer did not develop and implement an emergency response plan to handle anticipated emergencies prior to commencement of emergency response operations:

a) Facility, on or about September 9, 2022, employees cleaned up spilled mercury throughout the facility and were exposed to mercury inhalation hazards from exposure to liquid mercury and mercury vapors. No emergency response plan was in place or had been implemented to handle mercury cleanup.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 13, 2023
\$6,250.00



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.132(a): Protective equipment was not used when necessary, whenever hazards capable of causing injury and impairment were encountered:

a) Facility: On or after September 12, 2022, glass blowers, engravers and scalers handling contaminated equipment and exposed to surfaces contaminated with mercury were observed not wearing PPE to protect hands, arms and clothing from mercury contamination.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.132(d)(1)(i): When the employer had assessed the workplace hazard(s) and determined that hazard(s) were present, the employer did not select and/or use the types of personal protective equipment (PPE) that would protect the affected employee from the hazard:

On or after September 12, 2022, employees working with mercury during the mercury filling, calibration, engraving and etching process were provided with gloves and aprons. The PPE provided did not cover and protect arms, torso, legs, and feet from mercury contamination.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
Proposed Penalty:	\$6,250.00



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use personal protective equipment:

(a) Facility- On or after September 12, 2022, employees were observed wearing latex gloves and polyethylene aprons. The employer did not provide training on when and what PPE is necessary, and PPE limitations.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 22, 2023
Proposed Penalty:	\$6,250.00



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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 1910.134(a)(2): A respirator was not provided by the employer to each employee when such equipment was necessary to protect the health of the employee:

(a) On or about August 29th, 2022, at the worksite, employees who performed duties such as glass blowing, filling and calibration were working with mercury in open area without the use of a respirator to protect against mercury fumes/vapors.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 13, 2023
\$6,250.00



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

(a) Worksite: On or about August 29th, 2022 at the Kessler Thermometer, in the mercury distillation/filling area. Employees were working with mercury in open area without the use of a chemical fume hood or local ventilation to capture the mercury fumes/vapors generated during the process.

(b) Worksite: On or about August 29th, 2022 at the Kessler Thermometer, in the mercury sealing area. Employees were working with mercury without the use of a chemical fume hood or local ventilation operating sufficiently to capture the mercury fumes/vapors generated during the process.

The required face velocity of a chemical fume hood is 200 feet per minute, the measured face velocity was 85 feet per minute.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

- (a) On or about September 28th, 2022, at the worksite, employees who performed duties such as glass blowing, filling and calibration were working with mercury in open area. Employees wore N95 filtering face-piece respirators to protect against mercury fumes/vapors. The employer had not developed or implemented a respiratory protection program.
- (b) On or about 1/31/23 at the worksite employee performing etching using Hydrofluoric Acid wore a full-face elastomeric respirator to protect from Hydrofluoric Acid vapors. The employer had not developed or implemented a respiratory protection program.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	April 13, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.134(d)(1)(i): Selection of appropriate respirators was not based on the respiratory hazard(s) to which the worker was exposed and user factors that affect respirator performance and reliability:

(a) On or about September 28th, 2022, at the worksite, employees who performed duties such as glass blowing, filling and calibration were exposed to mercury vapor, employees wore N-95 filtering facepieces. The N-95 respirator was not suitable to protect against mercury vapors.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
Proposed Penalty:	\$6,250.00

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

Inspection Number: 1621467
Inspection Date(s): 09/12/2022 - 02/27/2023

Issuance Date: 02/27/2023



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.134(e)(1):The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

(a) On or about August 28th, 2022, at the worksite, employees who performed duties such as glass blowing, filling and calibration were working with mercury in open area with the use of a respirator to protect against mercury fumes/vapors. The employer did not provide medical evaluation.

The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 16, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.134(f)(1):The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

(a) On or about August 28th, 2022, at the worksite, employees who performed duties such as glass blowing, filling and calibration were working with mercury in open area with the use of a respirator to protect against mercury fumes/vapors. Employees were not fit tested.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 16, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.134(k)(1): The employer did not provide respirator training that would ensure each employee could demonstrate knowledge of items in section (i)-(vii):

(a) On or about August 28th, 2022, at the worksite, employees who performed duties such as glass blowing, filling and calibration were working with mercury in open area with the use of a respirator to protect against mercury fumes/vapors. The employer had not provided training.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 16, 2023
Proposed Penalty:	\$6,250.00

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: 1621467
Inspection Date(s): 09/12/2022 - 02/27/2023
Issuance Date: 02/27/2023



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

(a) On or about September 12, 2022, At the workplace, floors, tables, desks, storage areas, shelving were contaminated with mercury, a toxic metal.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 22, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.141(g)(2): Employees were permitted to consume food or beverage in area(s) exposed to toxic materials:

(a) On or about September 12, 2022, At the workplace the employer designated the eating area for employees in the area where mercury is handled and processed. Detectable levels of mercury were measured in the eating area. On or about September 12, 2022.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 22, 2023
Proposed Penalty:	\$6,250.00

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

Inspection Number: 1621467
Inspection Date(s): 09/12/2022 – 02/27/2023
Issuance Date: 02/27/2023



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.141(g)(4): Food or beverages were stored in area(s) exposed to toxic material(s):

(a) On or about September, 12th 2022. At the workplace, food is prepared and heated and consumed in the eating area designated by the employer. Containers used by employees to bring food to work are stored at the individual's workstation. Levels of mercury were recorded in the eating area and workstations.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 22, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.151(b): First aid supplies approved by a consulting physician were not readily available:

(a) On or about January 31, 2023, at the worksite, employee(s) etching thermometers with Hydrofluoric Acid were not provided with appropriate First Aid supplies for Hydrofluoric Acid.

2.5% calcium gluconate gel is the recommended first aid for Hydrofluoric Acid burns. Employer provided Silver Sulfadiazine Cream , USP 1% .

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

(a) On or about January 31, 2023, at the worksite, employee(s) etching thermometers with Hydrofluoric Acid. A quick drenching shower was not available in the work area for immediate use.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 22, 2023
Proposed Penalty:	\$6,250.00

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

Inspection Number: 1621467
Inspection Date(s): 09/12/2022 – 02/27/2023
Issuance Date: 02/27/2023



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

(a) On or about September 12th, 2022. At the jobsite, employees use and are exposed to hazardous materials including but not limited to mercury and hydrofluoric acid.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 13, 2023
\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 17 Type of Violation: **Serious**

29 CFR 1910.1200(f)(6): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

On or about September 12, 2022, at Kessler Thermometer shipping and receiving area. A thirty-gallon plastic drum containing the vacuum pump used in the thermometer mercury filling process and mercury contaminated water was mislabeled. The drum label listed water as the contents. The vacuum pump and water were contaminated with mercury.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
Proposed Penalty:	\$6,250.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 1 Item 18 Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

a) At the workplace, on or about September 12, 2022. Employees working with Mercury were not trained on the hazards of Elemental Mercury. Employees working with Mercury and Hydrofluoric Acid were not trained on how to safely handle, identify, and protect themselves from exposure to Hydrofluoric Acid and Mercury.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	April 13, 2023
Proposed Penalty:	\$6,250.00

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

Inspection Number: 1621467
Inspection Date(s): 09/12/2022 - 02/27/2023

Issuance Date: 02/27/2023



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

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

29 CFR 1910.1000(b)(1): Employee(s) were exposed to an airborne concentration of mercury listed in Table Z-2 in excess of the 8-hour Time Weighted Average concentration of .1 mg/m³:

On or about August 29th, 2022. Employees working at Kessler Thermometer Corp 41 Gleam Street, West Babylon NY 11704 involved in activities such as but not limited to the distillation/purifying of elemental mercury, filling of thermometers, glass blowing, calibration, and engraving of thermometers and hydrometers were exposed to and seriously sickened by airborne concentration of elemental mercury in excess of the 8-hour Time Weighted Average concentration of .1 mg/m³ based on biological exposure indices of employees.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 09, 2023
Proposed Penalty:	\$78,130.00

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: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.29(b)(1): A Log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

On or about August 29th, 2022 the employer did not record all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation

- a) Entry number 1 : The date of injury was 8/29/22, column (F) Stated Acute Trauma, and did not describe the injury and illness or substance that directly the employee. Column (H) Days Away from Work was recorded with a question mark.
- b) Entry number 2: The date of injury on the log was listed as 9/6/22 when the date of injury was 8/29/22. Column (F) Stated Alleged absorption to a toxic substance, and did not describe the injury or illness or substance that directly affected the employee. Column (H)Days Away from Work was recorded with a question mark. Section(M) had a checked mark in column (1)for injury and column (4) poisoning was checked with a question mark.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 16, 2023
Proposed Penalty:	\$893.00

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: 1621467
Inspection Date(s): 09/12/2022 - 02/27/2023

Issuance Date: 02/27/2023



Citation and Notification of Penalty

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1904.39(a)(2): The employer did not report within 24-hours a work-related incident resulting in in-patient hospitalization, amputation or the loss of an eye:

On or about 8/29/22; The employer did not report within 24-hours work-related incident resulting in in-patient hospitalization, amputation or the loss of an eye.

Note: In addition to abatement certification the employer is required to submit abatement documentation for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4,465.00

Kevin J. Sullivan

Kevin J. Sullivan
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
1400 Old Country Road
Suite 208
Westbury, NY 11590



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Kessler Thermometer Corp.
Inspection Site: 40 Gleam Street, West Babylon, NY 11704
Issuance Date: 02/27/2023

Summary of Penalties for Inspection Number: 1621467

Citation 1 Item 1, Serious	\$6,250.00
Citation 1 Item 2, Serious	\$6,250.00
Citation 1 Item 3, Serious	\$6,250.00
Citation 1 Item 4, Serious	\$6,250.00
Citation 1 Item 5a, Serious	\$6,250.00
Citation 1 Item 5b, Serious	\$0.00
Citation 1 Item 6, Serious	\$6,250.00
Citation 1 Item 7, Serious	\$6,250.00
Citation 1 Item 8, Serious	\$6,250.00

Citation 1 Item 9, Serious	\$6,250.00
Citation 1 Item 10, Serious	\$6,250.00
Citation 1 Item 11, Serious	\$6,250.00
Citation 1 Item 12, Serious	\$6,250.00
Citation 1 Item 13, Serious	\$6,250.00
Citation 1 Item 14, Serious	\$6,250.00
Citation 1 Item 15, Serious	\$6,250.00
Citation 1 Item 16, Serious	\$6,250.00
Citation 1 Item 17, Serious	\$6,250.00
Citation 1 Item 18, Serious	\$6,250.00
Citation 2 Item 1, Willful - Serious	\$78,130.00
Citation 3 Item 1, Other-than-Serious	\$893.00
Citation 3 Item 2, Other-than-Serious	\$4,465.00

TOTAL PROPOSED PENALTIES: \$195,988.00

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](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.

Kevin J. Sullivan

Kevin J. Sullivan

Area Director

2/27/2023

Date