

U.S. Department of Labor Occupational Safety and Health Administration
100 N. Summit Street
Suite 100
Toledo, OH 43604



08/24/2023

NOX US, LLC
and its successors
931 South Springville Avenue
Fostoria, OH 44830

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 (419) 259-7542.

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Jensen", written over a light blue horizontal line.

 **Todd Jensen**
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
100 N. Summit Street
Suite 100
Toledo, OH 43604



Citation and Notification of Penalty

To:
NOX US, LLC
and its successors
931 South Springville Avenue
Fostoria, OH 44830

Inspection Number: 1654822
Inspection Date(s): 03/07/2023 - 08/23/2023
Issuance Date: 08/24/2023

Inspection Site:
931 South Springville Avenue
Fostoria, OH 44830

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 (419) 259-7542. 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 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 08/24/2023. The conference will be held by telephone or at the OSHA office located at 100 N. Summit Street, Suite 100, Toledo, OH 43604 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1654822

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830
Issuance Date: 08/24/2023

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, 100 N. Summit Street, Suite 100, Toledo, OH 43604.**

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

a. NOX US, LLC - Fostoria, Ohio: On or about March 15, 2023, the employer did not ensure that energy control procedures identified specific steps to follow in order to dissipate the pneumatic energy source of and specific verification steps to determine the effectiveness of energy control measures for the pneumatic and electrical/mechanical energy sources. Employees who setup the JSI (model JA006A; s/n 2022-017-13-01) south boxing machine, located in the L-2 Packing Department, were exposed to rotating parts and pinch points.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 05, 2023
Proposed Penalty:	\$15,469.00

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven (7) feet or less above floors or platforms were not enclosed:

a. NOX US, LLC - Fostoria, Ohio: On or about February 28, 2023, the employer did not ensure that the chain and sprocket system, used to power conveyor rollers located prior to the L-2 south boxing machine, was guarded. Employees who removed and/or stacked parts on the conveyor were exposed to pinch points created by the chain and sprocket system that was located approximately three feet above the ground; an employee sustained an amputation injury to the finger after being caught in the pinch point.

No additional abatement information is needed for this item.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$15,469.00

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: NOX US, LLC

Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

a. NOX US, LLC - Fostoria, Ohio: The employer does not protect employees from injuries associated with rotating parts and pinch points in that the JSI (model JA006A; s/n 2022-017-13-01) south boxing machine, located in the L-2 Packing Department, is not locked out prior to setup for a product changeover. This violation was most recently observed on or about March 15, 2023, when the employer did not implement energy control application steps as the machine was not shut down or turned off to perform the servicing work [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine servicing hazards.

b. NOX US, LLC - Fostoria, Ohio: The employer does not protect employees from amputation injury in that the tape dispenser associated with the JSI (model JA006A; s/n 2022-017-13-01) south boxing machine, located in the L-2 Packing Department, is not locked out prior to performing a changeover of the tape roll. This violation was most recently observed on or about March 15, 2023, when the employer did not implement energy control application steps as the machine was not shut down or turned off to perform the servicing work [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine servicing hazards.

NOX US, LLC was previously cited for a Willful violation of this Occupational Safety and Health Standard 29 CFR 1910.147(d), which was contained in OSHA inspection number 1419279, citation number 2, item number 1b and was affirmed as a final order on January 17, 2022, with respect to a workplace located at 931 South Springville Avenue, Fostoria, Ohio 44830.

NOX US, LLC was previously cited for a Willful violation of an equivalent Occupational Safety and Health Standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 1248648, citation number 1, item number 2a and was affirmed as a final order on January 22, 2019, with respect to a workplace located at 931 South Springville Avenue, Fostoria, Ohio 44830.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the

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: 1654822
Inspection Date(s): 03/07/2023 - 08/23/2023
Issuance Date: 08/24/2023



Citation and Notification of Penalty

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 31, 2023
Proposed Penalty: \$154,696.00

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: NOX US, LLC

Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation.

a. NOX US, LLC - Fostoria, Ohio: The employer does not ensure that employees who service and maintain the JSI (model JA006A; s/n 2022-017-13-01) south boxing machine, located in the L-2 Packing Department, are trained in the skills required for the safe application, usage, and removal of energy controls. This violation was most recently identified on or about March 15, 2023, when employees set up the machine and were not trained to isolate and/or render energy sources safe prior to the setup tasks.

b. NOX US, LLC - Fostoria, Ohio: The employer does not ensure that employees who service and maintain the tape dispenser associated with the JSI (model JA006A; s/n 2022-017-13-01) south boxing machine, located in the L-2 Packing Department, are trained in the skills required for the safe application, usage, and removal of energy controls. This violation was most recently observed on or about March 15, 2023, when employees replaced the tape and were not trained to isolate and/or render energy sources safe prior to the setup tasks.

NOX US, LLC was previously cited for a Repeat violation of an equivalent Occupational Safety and Health Standard 29 CFR 1910.147(c)(7)(i), which was contained in OSHA inspection number 1419279, citation number 3, item number 1 and was affirmed as a final order on January 17, 2022, with respect to a workplace located at 931 South Springville Avenue, Fostoria, Ohio 44830.

NOX US, LLC was previously cited for a Willful violation of an equivalent Occupational Safety and Health Standard 29 CFR 1910.147(c)(7)(i), which was contained in OSHA inspection number 1248648, citation number 1, item number 2c and was affirmed as a final order on January 22, 2019, with respect to a workplace located at 931 South Springville Avenue, Fostoria, Ohio 44830.

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

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: 1654822
Inspection Date(s): 03/07/2023 - 08/23/2023
Issuance Date: 08/24/2023



Citation and Notification of Penalty

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 31, 2023
Proposed Penalty: \$154,696.00

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

Citation 3 Item 2: Type of Violation: **Repeat - Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not 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:

a. NOX US, LLC - Fostoria, Ohio: The employer does not ensure the powered rollers that convey parts to the L-2 JSI south boxing machine (model JA006A; s/n 2022-017-13-01) are guarded to protect employees from being caught in the rotating rollers. This violation was most recently identified on or about February 28, 2023, where employees were exposed to the rotating rollers while loading and unloading stacked parts onto the powered conveyor.

NOX US, LLC was previously cited for a Serious violation of this Occupational Safety and Health Standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 1419279, citation number 1, item number 2 and was affirmed as a final order on January 17, 2022, with respect to a workplace located at 931 South Springville Avenue, Fostoria, Ohio 44830.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: August 31, 2023
Proposed Penalty: \$30,938.00

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

Citation 4 Item 1: Type of Violation: **Other-than-Serious**

29 CFR 1904.29(b)(1): The employer did not provide the required injury or illness descriptions on the Log of Work-Related Injuries and Illnesses, OSHA Form 300:

- a. NOX US, LLC - Fostoria, Ohio: On or about March 7, 2023, the employer did not provide the required injury or illness description and information on the OSHA 300 Log for calendar year 2023. On February 27, 2023, a recordable injury occurred when an employee sustained fracture and laceration injuries to a finger; Column F did not describe the injury and object or substance that caused the injury (Case No. 1).
- b. NOX US, LLC - Fostoria, Ohio: On or about March 7, 2023, the employer did not provide the required injury or illness description and information on the OSHA 300 Log for calendar year 2023. On February 28, 2023, a recordable injury occurred when an employee sustained an amputation injury; Column F did not describe the injury and object or substance that caused injury (Case No. 2).

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 07, 2023
Proposed Penalty:	\$2,210.00

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

Citation 4 Item 2: Type of Violation: **Other-than-Serious**


29 CFR 1904.32(a)(4): The employer did not post an OSHA 300A Form or equivalent by February 1 thru April 30.

a. NOX US, LLC - Fostoria, Ohio: On or about March 15, 2023, the employer did not post a complete summary of work-related injuries and illnesses (OSHA 300A or equivalent) for calendar year 2022 in that the number of days away from work and days of job transfer or restriction were not accurate.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	September 07, 2023
Proposed Penalty:	\$2,210.00



Todd Jensen
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
100 N. Summit Street
Suite 100
Toledo, OH 43604



INVOICE / DEBT COLLECTION NOTICE

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830
Issuance Date: 08/24/2023

Summary of Penalties for Inspection Number: 1654822

Citation 1 Item 1, Serious	\$15,469.00
Citation 1 Item 2, Serious	\$15,469.00
Citation 2 Item 1, Willful - Serious	\$154,696.00
Citation 3 Item 1, Repeat - Serious	\$154,696.00
Citation 3 Item 2, Repeat - Serious	\$30,938.00
Citation 4 Item 1, Other-than-Serious	\$2,210.00
Citation 4 Item 2, Other-than-Serious	\$2,210.00

TOTAL PROPOSED PENALTIES: **\$375,688.00**

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.

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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.



Todd Jensen
Area Director

August 24, 2023

Date

U.S. Department of Labor Occupational Safety and Health Administration
100 N. Summit Street
Suite 100
Toledo, OH 43604



08/24/2023

NOX US, LLC
and its successors
931 South Springville Avenue
Fostoria, OH 44830

Dear Employer:

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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.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Jensen", written in a cursive style.

Todd Jensen
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
100 N. Summit Street
Suite 100
Toledo, OH 43604



Citation and Notification of Penalty

To:
NOX US, LLC
and its successors
931 South Springville Avenue
Fostoria, OH 44830

Inspection Number: 1669272
Inspection Date(s): 05/10/2023 - 08/23/2023
Issuance Date: 08/24/2023

Inspection Site:
931 South Springville Avenue
Fostoria, OH 44830

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 (419) 259-7542. 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 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 08/24/2023. The conference will be held by telephone or at the OSHA office located at 100 N. Summit Street, Suite 100, Toledo, OH 43604 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1669272

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830
Issuance Date: 08/24/2023

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, 100 N. Summit Street, Suite 100, Toledo, OH 43604.**

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

a) NOX US, LLC - Fostoria, Ohio: On or about April 29, 2023, the employer did not utilize procedures that included steps and techniques for the control of pneumatic energy sources on the Lamination Line 2. Lamination Line 2 is not locked out prior to employees performing set-up activities, clearing jams, and cleaning under the equipment, where energized powered rollers expose employees to caught in and in going nip point hazards.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **September 12, 2023**
Proposed Penalty: **\$15,469.00**



Citation and Notification of Penalty

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

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

29 CFR 1910.147(c)(4)(i): Procedures are not developed, documented, and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a) NOX US, LLC - Fostoria, Ohio: On or about April 29, 2023, the employer does not utilize procedures that would control hazardous energy sources of the equipment. In addition, the documented procedures do not account for pneumatic energy sources. Lamination Line 2 is not locked out prior to employees performing set-up activities, clearing jams, and cleaning under the equipment, where energized powered rollers expose employees to caught in and in going nip point hazards.

NOX US, LLC was previously cited for a Willful violation of this Occupational Safety and Health Standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 1419279, citation number 2, item number 1 and was affirmed as a final order on January 17, 2022, with respect to a workplace located at 931 S. Springville Ave. Fostoria, OH 44830.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: September 12, 2023
Proposed Penalty: \$154,696.00

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: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830

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

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the actions listed in and was not done in sequence as required by 29 CFR 1910.147(d)(1)-(6):

a) NOX US, LLC - Fostoria, Ohio: On or about April 29, 2023, the employer does not protect employees from pinch points and rotating part hazards in that the Lamination Line 2 is not locked out prior to employees performing set-up activities, clearing jams, and cleaning under the equipment, where powered rollers are energized. This violation most recently occurred on April 29, 2023 when the employer did not implement energy control application steps as the machine was not shut down or turned off to perform the servicing work [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine servicing hazards.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: September 12, 2023
Proposed Penalty: \$0.00



Todd Jensen
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
100 N. Summit Street
Suite 100
Toledo, OH 43604



INVOICE / DEBT COLLECTION NOTICE

Company Name: NOX US, LLC
Inspection Site: 931 South Springville Avenue, Fostoria, OH 44830
Issuance Date: 08/24/2023

Summary of Penalties for Inspection Number: 1669272

Citation 1 Item 1, Serious	\$15,469.00
Citation 2 Item 1a, Willful - Serious	\$154,696.00
Citation 2 Item 1b, Willful - Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$170,165.00**

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.



Todd Jensen
Area Director

August 24, 2023

Date