

U.S. Department of Labor Occupational Safety and Health Administration  
6393 Oak Tree Blvd  
Suite 203  
Independence, OH 44131



02/06/2019

Conn-Selmer, Inc.  
34199 Curtis Blvd  
Eastlake, OH 44095

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 a Federal 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 216-447-4194.

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

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

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

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

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

Sincerely,

  
Howard B Eberts  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
6393 Oak Tree Blvd  
Suite 203  
Independence, OH 44131



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## Citation and Notification of Penalty

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**To:**  
Conn-Selmer, Inc.  
and its successors  
34199 Curtis Blvd  
Eastlake, OH 44095

**Inspection Number:** 1338474  
**Inspection Date(s):** 08/13/2018 - 11/19/2018  
**Issuance Date:** 02/06/2019

**Inspection Site:**  
34199 Curtis Blvd  
Eastlake, OH 44095

*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.*

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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 216-447-4194. 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).

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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 on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

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

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/06/2019. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1338474**

Company Name: Conn-Selmer, Inc.  
Inspection Site: 34199 Curtis Blvd, Eastlake, OH 44095  
Issuance Date: 02/06/2019

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, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131**

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

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

**Inspection Number:** 1338474  
**Inspection Date(s):** 08/13/2018 - 11/19/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting facepieces were worn by employees who had facial hair that came between the sealing surface of the facepiece and the face or that interfered with valve function:

On or about October 4, 2018, the employer failed to ensure that employees who are required to wear respirators did not have facial hair that interfered with the sealing surface of the face piece.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/19/2019
Proposed Penalty:	\$13260.00

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:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

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

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of Copper Dust listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 1.00 mg/m<sup>3</sup>:

- 1) On or about October 4, 2018, the employer failed to keep employee exposure to airborne concentrations of copper dust below the permissible exposure limit. An employee operating the polishing equipment was exposed to an 8-hour time weighted average concentration of 3.527 milligrams copper dust per cubic meter of air (mg/m<sup>3</sup>) which is 3.527 times the permissible exposure limit of 1.00 mg/m<sup>3</sup>. The sampling was performed for 355 minutes during one shift on October 4, 2018. Zero exposure was assumed for the un-sampled period of time (125 minutes).
- 2) On or about October 4, 2018, the employer failed to keep employee exposure to airborne concentrations of copper dust below the permissible exposure limit. An employee operating the polishing equipment was exposed to an 8-hour time weighted average concentration of 2.391 milligrams copper dust per cubic meter of air (mg/m<sup>3</sup>) which is 2.391 times the permissible exposure limit of 1.00 mg/m<sup>3</sup>. The sampling was performed for 354 minutes during one shift on October 4, 2018. Zero exposure was assumed for the un-sampled period of time (126 minutes).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/12/2019
Proposed Penalty:	\$13260.00

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:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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#### Citation 1 Item 2 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):

- 1) On or about October 4, 2018, feasible engineering or administrative controls were not adequately implemented to keep employee exposure to air contaminants within the limits prescribed in the standard. An employee operating the polishing equipment was exposed to an 8-hour time weighted average concentration of 3.527 milligrams copper dust per cubic meter of air (mg/m<sup>3</sup>) which is 3.527 times the permissible exposure limit of 1.00 mg/m<sup>3</sup>. The sampling was performed for 355 minutes during one shift on October 4, 2018. Zero exposure was assumed for the un-sampled period of time (125 minutes).
- 2) On or about October 4, 2018, feasible engineering or administrative controls were not adequately implemented to keep employee exposure to air contaminants within the limits prescribed in the standard. An employee operating the polishing equipment was exposed to an 8-hour time weighted average concentration of 2.391 milligrams copper dust per cubic meter of air (mg/m<sup>3</sup>) which is 2.391 times the permissible exposure limit of 1.00 mg/m<sup>3</sup>. The sampling was performed for 354 minutes during one shift on October 4, 2018. Zero exposure was assumed for the un-sampled period of time (126 minutes).

#### Abatement Steps

STEP 1: Effective respirators shall be provided and used by all employee(s) as an interim measure. Abatement must be completed by (5 calendar days).

STEP 2: Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with the dates required by this citation.

- a) Evaluation of the extent and location of the hazard source.
- b) Evaluation of control measure options.

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:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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- c) Selection of optimum control method(s).
- d) Determination of control measure design.
- e) Ordering and delivery of equipment and material(s).
- f) Installation of control measures.
- g) Training of employees in proper operation and maintenance of newly-implemented control measures.
- h) Assurance of effective performance of control measures.

All proposed control measures shall be evaluated for each particular use by a technically qualified person. Abatement must be completed by (30 calendar days).

STEP 3: Correction should have been completed by the implementation of feasible engineering and/or administrative controls and their effectiveness in achieving compliance. Abatement must be completed by (60 calendar days).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 04/12/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

On or about September 13, 2018, labels on chemicals in the polishing area in the buffing room of the facility were not supplemented with pictograms, pictures, or symbols to clearly communicate specific information regarding the physical and health hazards of the chemicals to employees.

The Conn-Selmer, Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.1200(f)(6)(ii), which was contained in OSHA inspection number 1172340, citation number 1, item number 3-A and was affirmed as a final order on December 7, 2016, with respect to a workplace located at 34199 Curtis Blvd. Eastlake, OH 44095.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$52096.00

  
for **Howard B Eberts**  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
6393 Oak Tree Blvd  
Suite 203  
Independence, OH 44131



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095  
**Issuance Date:** 02/06/2019

<b>Summary of Penalties for Inspection Number</b>	<b>1338474</b>
<b>Citation 1, Serious</b>	<b>\$26520.00</b>
<b>Citation 2, Repeat</b>	<b>\$52096.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$78616.00</b>

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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 on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 2 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.

  
\_\_\_\_\_  
Howard B Eberts  
Area Director

2/6/19  
\_\_\_\_\_  
Date

U.S. Department of Labor Occupational Safety and Health Administration  
6393 Oak Tree Blvd  
Suite 203  
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02/06/2019

Conn-Selmer, Inc.  
34199 Curtis Blvd  
Eastlake, OH 44095

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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 a Federal 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 216-447-4194.

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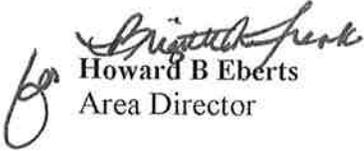
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Sincerely,

  
Howard B Eberts  
Area Director

Enclosures

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
6393 Oak Tree Blvd  
Suite 203  
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## Citation and Notification of Penalty

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**To:**  
Conn-Selmer, Inc.  
and its successors  
34199 Curtis Blvd  
Eastlake, OH 44095

**Inspection Number:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019

**Inspection Site:**  
34199 Curtis Blvd  
Eastlake, OH 44095

*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.*

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

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/06/2019. The conference will be held by telephone or at the OSHA office located at 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131 on \_\_\_\_\_ at \_\_\_\_\_.

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1345036

Company Name: Conn-Selmer, Inc.  
Inspection Site: 34199 Curtis Blvd, Eastlake, OH 44095  
Issuance Date: 02/06/2019

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, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131**

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

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

**Inspection Number:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms, service rooms, and walking-working surfaces were not kept in a clean, orderly, and sanitary condition:

On or about September 13, 2018, the buffing department walking working surfaces were slippery and had heavy amounts of cotton fibers that were generated by the multiple buffing processes.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/26/2019
Proposed Penalty:	\$8335.00

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:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.147(d): Application of control. The established procedures for the application of energy control (lockout or tagout procedures) shall be done in the following sequence:

On or about August 13, 2018, an employee was exposed to a machine hazard associated with moving parts and an in-going nip point hazard during a maintenance servicing task while installing and adjusting the resin compound block at the buffing wheel of the automatic buffing machine in the Harper room. The employer failed to implement energy control application steps as Lockout Tagout devices were not applied to the electrical disconnect [per the 1910.147(d)(4) requirements].

As a result, the remaining applicable energy control elements, involving dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from servicing hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/26/2019
Proposed Penalty:	\$13260.00

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:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.212(a)(2): Guard(s) on machine(s) were not affixed to the machine or secured elsewhere when attachment to the machine was not possible:

On or about September 13, 2013, the employer did not ensure barrier guarding was securely affixed to the automatic buffing machine in the Harper room. There were two hinged plexi-glass barrier guards on the north side at the operator station that were 3 feet wide by 4 feet tall. The guarding was attached with hinges and pushed onto a bolt stud without a fastener.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/19/2019
Proposed Penalty:	\$8335.00

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:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

On or about September 13, 2018, in the buffing area at asset 297 number 22 lathe buffing machine there was an unguarded one inch diameter rotating horizontal shaft that was machine threaded and projected 5/8th of an inch past the fastener nut.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/26/2019
Proposed Penalty:	\$10419.00

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:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

On or about September 13, 2018, there was a commercial grade electrical multi-tap switch in use in the buffing area on the east wall. The multi-tap switch had 6 receptacles, there was a small buffer machine, two personnel fans and a phone charger cord that were plugged into it. The remaining two unused receptacles had cotton fibers in the electrical conductor slots.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$8335.00

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:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

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#### Citation 2 Item 1 Type of Violation: **Repeat**

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:

On or about September 13, 2018, the following machinery was not adequately guarded for ingoing nip points, rotating parts and point of operations.

1. Polishing machines, asset numbers EL0308, EL0309, EL0310. There were unguarded ingoing nip points between the polishing/sanding belts and the bottom rollers and the openings between the outside of the bottom rollers and the front of the barrier guarding at the base.
2. There were two smaller polishing/sanding machines at the southwest corner of the polishing area. The bottom and center rollers had ingoing nip points that were not guarded.
3. There was an emery paper polishing/sanding machine, asset EL307, 0-20 A lathe. The dual horizontal shafts had 4 inches of rotating machined tread that was not guarded.
4. Polishing machine, asset 0366, number 22 lathe. There was an ingoing nip point between the polishing/sanding belt and the rotating cotton buffing wheel that was not guarded. Additionally, the guarding over the exposed running sanding belt was damaged and duct taped together.
5. There were two Clausing milling machines, assets EL0199 and EL0196. The point of operation guarding and splash guard were opened while installing and removing a machined part being clamped with the tooling rotating.
6. The automatic buffing machine in the Harper room was missing three barrier guards on the west side of the machinery.
7. The Nema Premium horizontal shaft buffing machine had a rotating chuck that was not guarded.

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:** 1345036  
**Inspection Date(s):** 09/10/2018 - 09/13/2018  
**Issuance Date:** 02/06/2019



**Citation and Notification of Penalty**

**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095

8. There were buffing machines such as but not limited to assets EL031 and EL0320 that had metal rotating arbor end plates with machined ventilation holes that were not guarded.

CONN SELMER WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.212(a)(1) WHICH WAS CONTAINED IN OSHA INSPECTION 1052014, CITATION 1, ITEM 4(a) AND WAS AFFIRMED AS A FINAL ORDER ON JUNE 11, 2015, WITH RESPECT TO A WORKPLACE LOCATED AT 34199 CURTIS BLVD. EASTLAKE, OHIO 44095.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 03/13/2019  
Proposed Penalty: \$72930.00

A handwritten signature in black ink, appearing to read "Howard B Eberts", is written over a horizontal line.

*for* Howard B Eberts  
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  
6393 Oak Tree Blvd  
Suite 203  
Independence, OH 44131



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Conn-Selmer, Inc.  
**Inspection Site:** 34199 Curtis Blvd, Eastlake, OH 44095  
**Issuance Date:** 02/06/2019

<b>Summary of Penalties for Inspection Number</b>	<b>1345036</b>
<b>Citation 1, Serious</b>	<b>\$48684.00</b>
<b>Citation 2, Repeat</b>	<b>\$72930.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$121614.00</b>

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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 on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 2 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.



 Howard B Eberts  
Area Director

2/6/19  
Date