

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-1979 FAX: (317) 233-3790



Safety Order and Notification of Penalty

To:
Goshen Stamping
and its successors
1025 S. 10th Street
Goshen, IN 46526

Inspection Number: 1743701
CSHO ID: O9120
Optional Report No.: 9-24
Inspection Date(s): 04/24/2024 - 05/22/2024
Issuance Date: 08/29/2024

Inspection Site:
1025 S. 10th Street
Goshen, IN 46526

The violation(s) described in this Safety Order 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.

An inspection of your workplace of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference – Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest – You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. (“Working days” means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor’s offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety

order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA at the address shown above.

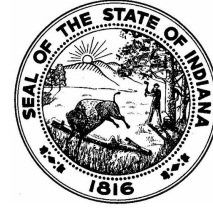
Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety

order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

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NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 08/29/2024.

The Informal Conference will be held:

Date: _____

Time: _____

_____ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: _____

Conference ID: _____

_____ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195
Indianapolis, Indiana 46204

Meeting/Conference Room: _____

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



Safety Order and Notification of Penalty

Company Name: Goshen Stamping
Inspection Site: 1025 S. 10th Street, Goshen, IN 46526

Safety Order 1 Item 1 b Type of Violation: **Serious**

29 CFR 1910.217(c)(2)(i): The employer did not ensure that every mechanical power press point of operation guard met the following design, construction, application, and adjustment requirements in items a-f:

- a) Press Room - Employees were exposed to caught-in hazards when the 104 Federal Press Co. 60-ton part revolution mechanical power press was in operation. The guarding was inadequate when the plastic guards on the left and right sides were easily adjustable and could be swung up on hinges.
- b) Press Room - Employees were exposed to caught-in hazards when the 105 Federal 80-ton part revolution mechanical power press was in operation when there was no guarding on the left or right side.
- c) Press Room - Employees were exposed to caught-in hazards when the 106 Federal 125-ton part revolution mechanical power press was in operation when the guarding on the front and left side was not adequate.
- d) Press Room - Employees were exposed to caught-in hazards when the 107 Johnson 125-ton part revolution mechanical power press was in operation when the left and right sides were inadequately guarded.
- e) Press Room - Employees were exposed to caught-in hazards when the 109 Federal 45-ton part revolution mechanical power press was in operation. The guarding was inadequate when the plastic guards on the left and right sides were easily adjustable and could be swung up on hinges.
- f) Press Room - Employees were exposed to caught-in hazards when the 111 L & J 45-ton part revolution mechanical power press was in operation. The guarding was inadequate when the plastic guards on the left and right sides were easily adjustable and could be swung up on hinges.
- g) Press Room - Employees were exposed to caught-in hazards when the 112 South Bend 60-ton part revolution mechanical power press was in operation. The guarding was inadequate when the plastic guards on the left and right sides were easily adjustable and could be swung up on hinges.
- h) Automatics Department - Employees were exposed to caught-in hazards when the 405 US Industries Inc & Clearing 75-ton part revolution mechanical power press was in operation. The guarding on the right side (chute side) was not adequate.

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- i) Automatics Department - Employees were exposed to caught-in hazards when the 403 L&J 60-ton part revolution mechanical power press was in operation. The guarding on the left side (chute side) was not adequate.
- j) Automatics Department - Employees were exposed to caught-in hazards when the 402 L&J 60-ton part revolution mechanical power press was in operation.
- k) Automatics Department - Employees were exposed to caught-in hazards when the 415 Johnson 60-ton part revolution mechanical power press was in operation. The guarding was inadequate on the ingoing side (right side) with an opening in the expanded metal guard. The guarding was inadequate on the outgoing side (left side) when it was an easily adjustable steel flap.
- l) Automatics Department - Employees were exposed to caught-in hazards when the 418 Minster 200-ton part revolution mechanical power press was in operation. The guarding on the left side (outgoing side) allowed access to the point of operation when the discharge gate was open.
- m) Automatics Department - Employees were exposed to caught-in hazards when the 411 Niagra 400-ton part revolution mechanical power press was in operation. The guarding on the right side (outgoing side) allowed access to the point of operation when the discharge gate was open.
- n) Automatics Department - Employees were exposed to caught-in hazards when the 417 Clearing Niagra 300-ton part revolution mechanical power press was in operation. The guarding was inadequate on the discharge side as the swing gate was open.
- o) Automatics Department - Employees were exposed to crushing injuries when the #406 Minster 45-ton part revolution mechanical power press was in operation. There was no guarding to the right of the presence sensing lights at the ingoing side. There was inadequate guarding in the chute at the outgoing side, which allowed access to the point of operation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: October 01, 2024
Proposed Penalty: \$0.00

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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.

Safety Order 1 Item 4 a Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

Machine Shop/Tool and Die Shop - Employees operating the Bridgeport milling machine were exposed to caught-in injuries when the in-going nip points of the belt and three pulleys were not guarded.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2,200.00

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Safety Order 1 Item 4 b Type of Violation: **Serious**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

Machine Shop/Tool and Die Shop - Employees operating the Bridgeport milling machine were exposed to caught-in injuries when the in-going nip points of the belt and three pulleys were not guarded.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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Safety Order 2 Item 1 Type of Violation: **Non Serious**

29 CFR 1910.217(b)(7)(iii): A means of selecting Off, "Inch," Single Stroke, and Continuous (when the continuous function is furnished) was not supplied with the clutch/brake control to select type of operation of the press. Fixing of selection was not by means capable of supervision by the employer:

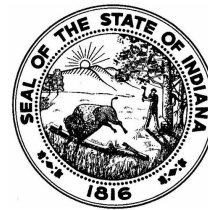
- a) Press Room - Employees were exposed to struck-by hazards when the 107 Johnson 125-ton part revolution mechanical power press was operating when the keys were in the selector panel.
- b) Press Room - Employees were exposed to struck-by hazards when the 109 Federal 45-ton part revolution mechanical power press was operating when the keys were in the selector panel.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00



Jameson Berry
IOSHA Director



INVOICE/DEBT COLLECTION NOTICE

Company Name: Goshen Stamping
Inspection Site: 1025 S. 10th Street, Goshen, IN 46526
Issuance Date: 08/29/2024

Summary of Penalties for Inspection Number: 1743701

Safety Order 1 Item 1a, Serious	\$4,900.00
Safety Order 1 Item 1b, Serious	\$0.00
Safety Order 1 Item 2, Serious	\$2,200.00
Safety Order 1 Item 3a, Serious	\$1,650.00
Safety Order 1 Item 3b, Serious	\$0.00
Safety Order 1 Item 4a, Serious	\$2,200.00
Safety Order 1 Item 4b, Serious	\$0.00
Safety Order 2 Item 1, Non Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$10,950.00

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.



Jameson Berry
IOSHA Director

8/29/2024

Date