

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:
Alexander Chemical Corporation
and its successors
7593 S. First Road
La Porte, IN 46350

Inspection Number: 1794156
CSHO ID: K9073
Optional Report No.: 28-24
Inspection Date(s): 12/13/2024 - 03/05/2025
Issuance Date: 03/12/2025

Inspection Site:
7593 S. First Rd
Kingsbury, IN 46345

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 03/12/2025.

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.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1794156
CSHO ID: K9073
Optional Report No.: 28-24
Inspection Date(s): 12/13/2024 - 03/05/2025
Issuance Date: 03/12/2025



Safety Order and Notification of Penalty

Company Name: Alexander Chemical Corporation
Inspection Site: 7593 S. First Rd, Kingsbury, IN 46345

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

29 CFR 1910.119(h)(2)(ii): The employer did not inform contract employers of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process:

Ammonium hydroxide tanks - Contract employees were exposed to ammonia gas, chemical and thermal burns while they replaced valves and cut holes into the ammonium hydroxide tank. The contractor had not been informed of the hazards of the ammonium hydroxide prior to working on the tank.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: Alexander Chemical Corporation
Inspection Site: 7593 S. First Rd, Kingsbury, IN 46345

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

29 CFR 1910.1200(g)(5): The chemical manufacturer, importer or employer did not ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification:

Office - The safety data sheet (SDS) for ammonium hydroxide manufactured on site did not identify the vapors released from this liquid as being flammable. The upper/lower flammability range for this vapor was not provided on the SDS.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

April 14, 2025
\$2,400.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: Alexander Chemical Corporation
Inspection Site: 7593 S. First Rd, Kingsbury, IN 46345

Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.352(i): Drums, containers, or hollow structures which have contained toxic or flammable substances were not, before welding, cutting, or heating was undertaken on them, either be filled with water or thoroughly cleaned of such substances and ventilated and tested:

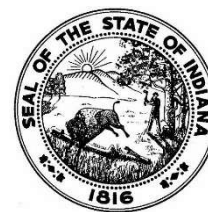
Ammonium hydroxide tanks - Contract and full time employees were exposed to ammonia gas and burns while cutting holes through the top of a metal storage tank of ammonium hydroxide.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7,000.00


Jameson Berry
IOSHA Director

Indiana Department of Labor
Occupational Safety and Health Administration



INVOICE/DEBT COLLECTION NOTICE

Company Name: Alexander Chemical Corporation
Inspection Site: 7593 S. First Rd, Kingsbury, IN 46345
Issuance Date: 03/12/2025

Summary of Penalties for Inspection Number: 1794156

Safety Order 1 Item 1, Serious	\$7,000.00
Safety Order 1 Item 2, Serious	\$2,400.00
Safety Order 1 Item 3, Serious	\$7,000.00

TOTAL PROPOSED PENALTIES:	\$16,400.00
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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

3/12/2025

Date

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

**BEFORE THE INDIANA OFFICE OF
ADMINISTRATIVE LAW PROCEEDINGS**

IN THE MATTER OF:)	OALP CASE NO. DOL-2504-001294
)	BSR DOCKET NO. 25-018
COMMISSIONER OF LABOR,)	
)	
Complainant,)	
)	
v.)	
)	
ALEXANDER CHEMICAL)	
CORPORATION)	
AND ITS SUCCESSORS,)	
)	
Respondent.)	

AGREED ENTRY

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor (hereinafter “Complainant”) and Alexander Chemical Corporation (hereinafter “Respondent”), through their duly authorized representatives, desiring to enter into this Agreed Entry as final settlement of this matter, do hereby stipulate and agree as follows:

PART I.

1. From December 13, 2024, through March 5, 2025, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent’s worksite located at 7593 S. First Road, Kingsbury, Indiana 46345.

2. On March 12, 2025, Complainant issued a Safety Order and Notification of Penalty (hereinafter “Safety Order”) resulting from Indiana Department of Labor Inspection No. 1794156 and alleging that Respondent had violated the Indiana Occupational Safety and Health Act (IC 22-8-1.1 *et seq.*) or the standards or rules thereunder. The Safety Order is attached hereto as Exhibit A and is incorporated herein. Respondent denies the allegations in the Safety Order.

3. On or about April 7, 2025, Respondent duly and timely petitioned for review of the Safety Order.

PART II.

4. The Safety Order consists of Safety Order 1, Item Nos. 1, 2, and 3.

5. Safety Order 1, Item 1 alleges a “Serious” violation of 29 CFR 1910.119(h)(2)(ii) and assesses a penalty of Seven Thousand Dollars (\$7,000).

6. Safety Order 1, Item 2 alleges a “Serious” violation of 29 CFR 1910.1200(g)(5) and assesses a penalty of Two Thousand Hundred Dollars (\$2,400).

7. Safety Order 1, Item 3 alleges a “Serious” violation of 29 CFR 1926.352(i) and assesses a penalty of Seven Thousand Hundred Dollars (\$7,000).

8. The total assessed penalty for Safety Order 1 combined is Sixteen Thousand Four Hundred Dollars (\$16,400).

PART III.

9. The Safety Order is hereby amended. as follows.

10. Safety Order 1, Item 1 is upheld, but re-classified to “Non-Serious” and retains the penalty originally cited. As already noted in the original Safety Order 1, Item 1, abatement has been completed.

11. Safety Order 1, Item 2 is upheld, but re-classified to “Non-Serious” and retains the penalty originally cited. The parties agree to modify the alleged violation description as follows:

“Office - The safety data sheet (SDS) for anhydrous ammonia did not provide upper/lower flammability range.”

As the original abatement date has passed, this agreement modifies the abatement deadline date to coincide with the enhanced abatement date referenced in paragraph 14b.

12. Safety Order 1, Item 3 is upheld, but re-classified to “Non-Serious” and retains the penalty originally cited. As already noted in the original Safety Order, Item 3, the abatement has been completed.

13. The AGREED total penalty for the amended alleged violations and all subparts thereunder, subject to this Agreed Entry, is Sixteen Thousand Four Hundred Dollars (\$16,400).

14. Whereas the Indiana Department of Labor defines enhanced abatement as an employer’s agreement to perform safety and/or health improvements that are above and beyond what is already required to abate upheld safety orders, Respondent agrees to complete the following enhanced abatement as part of the settlement and in consideration of reclassification of the citations:

- a. Respondent will provide OSHA 30 training to all department heads and floor supervisors that do not already carry the OSHA 30 certification. Respondent will provide the Complainant with a copy of the training certificates upon completion. The anticipated completion date is October 17, 2025.
- b. Respondent will complete a comprehensive review of all Safety Data Sheets (“SDS”) to confirm the conformance with the U.S. OSHA Hazard Classification Guidance for Manufacturers, Importers, and Employers. Respondent will certify completion by its anticipated completion date of January 1, 2026.
- c. Respondent will provide four Investment of Right to Know and Hazard Communication GHS Information stations. It will provide Complainant with photos to verify completion. The anticipated completion date is June 1, 2025.
- d. Respondent will expand its safe work permit to require contractor training on the purpose of authorized versus unauthorized work. This will include a brief

slide show covering the relevance of OSHA's life-critical procedures to the scope of work authorization. Respondent to provide Complainant a copy of the slide show upon completion. The anticipated completion date is June 1, 2025.

e. Respondent will expand its contractor orientation related to 29 CFR 1910.119 to indicate the specific SDSs with corresponding control numbers and that they are distributed and to whom they are provided. The Respondent will certify completion to Complainant by the anticipated completion date of July 1, 2025.

f. Respondent will amend its safe work permit to include elevated work lanyard tie-off points. It will provide the Complainant with a copy of the amended safe work permit upon completion. The anticipated completion date is July 1, 2025.

g. Respondent will place polysynthetic fiber or aluminum signage on all tanks that may expose employees to thermal burns if hot work is performed. The Signs will be 18x12" and state: NOTICE HOT WORK PERMITS ARE REQUIRED FOR ALL WELDING AND CUTTING OPERATIONS. The Respondent will provide a photo upon completion. The anticipated completion date is July 1, 2025.

16. Respondent agrees that a request must be made in writing to IOSHA for a Petition for Modification of Abatement prior to the above enhanced abatement dates if enhanced abatement cannot be met by the respective dates and an extension is required.

17. It is understood and agreed by the Respondent and Complainant that this Agreed Entry and attachments will constitute a final, enforceable OSHA Safety Order(s) and penalties for the purposes of the Indiana Occupational Safety and Health Act ("Act").

18. Respondent confirms Complainant's right to re-inspect its workplaces, in accordance with the Act, and to verify both regular abatement of the alleged violation found in Safety Order 1, Item 2, and enhanced abatement found in paragraph 14 of this Agreed Entry.

19. If not already identified in the Safety Order and Notification of Penalty as completed during the inspection, all regular and enhanced abatement, identified and agreed upon herein, must be completed in a timely manner and certified to IOSHA by sending confirmation of regular and enhanced abatement, including a detailed description of what was done along with any supporting documentation and photographs, to IOSHA by email to abatement@dol.in.gov.

20. Respondent hereby withdraws its petition for review previously filed in this matter, subject to the terms of this agreed entry.

PART IV.

21. Nothing contained in this Agreed Entry shall be construed to affect Complainant's interpretation of the Act or any standard or regulation enforced pursuant thereto or the applicable classification thereof.

22. None of the foregoing agreements, statements, findings, and actions taken by the Respondent shall be deemed an admission by Respondent of the allegations contained with the original Safety Order and with this Agreed Entry. The agreements, statements, findings, and actions taken herein are made in order to compromise and settle this matter economically and amicably. Respondent continues to deny the allegations, and they shall not be used for any other purpose, except as herein stated.

23. The invalidity or unenforceability of any section, subsection, clause or provision of this Agreed Entry does not affect the remaining sections, subsections, clauses, or provisions of this Agreed Entry.

24. Respondent, upon full execution of this Agreed Entry, will post this Agreed Entry for three (3) working days or until abatement is completed, whichever period is longer, pursuant to Board of Safety Review Rules of Procedure, 615 IAC 1-2-18(b)(3)(C).

AGREED this 1st day of May 2025.

ALEXANDER CHEMICAL CORPORATION

By: 

Printed: Robert Davidson

Title: CEO/President

COMMISSIONER OF LABOR

By: _____

Jameson Berry,
Director of Health Compliance,
IOSHA

Approved as to Form:

By: _____

Brent J. Cullers,
Counsel for Complainant



ISSUED:
May 6, 2025

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

**Commissioner of Labor,
Complainant,**

v.

Alexander Chemical Corporation,

Respondent.

Administrative Case Number: DOL-2504-001294

**FINAL ORDER APPROVING AGREED ENTRY, GRANTING DISMISSAL OF APPEAL,
AND VACATING DEADLINES**

On April 7, 2025, Respondent filed a petition for review of a Safety Order issued by the Complainant on March 12, 2025. On May 1, 2025, the Complainant filed an Agreed Entry with the Office of Administrative Law Proceedings ("OALP") on behalf of both Parties. The Agreed Entry proposes a final settlement and modification of the Safety Order dated March 12, 2025. Subject to approval of the Agreed Entry, Respondent also moves to withdraw its petition for review.

The undersigned ALJ has reviewed the Agreed Entry and finds that there is no evidence of fraud, coercion, duress, or any other reason not to grant the Agreed Entry. The undersigned ALJ therefore issues this order approving the Agreed Entry, dismissing this appeal, and vacating all remaining hearings and deadlines in this case.

The OALP is the Ultimate Authority for administrative reviews of Safety Orders issued by the Commissioner of Labor after July 1, 2024. Therefore, this Order constitutes a final order and/or agency action by the Ultimate Authority in this case. If a party wishes to seek judicial review of this final order, it must file a petition for review in an appropriate court within 30 days of the date this Order was served. See Ind. Code § 4-21.5-5-5. Guidance for calculating deadlines may be found at Ind. Code § 4-21.5-3-2. A petition for judicial review must be served on the OALP at ualp@ualp.in.gov to ensure the Office prepares the record that will be filed in the court presiding over the judicial review.

SO ORDERED: May 6, 2025

A handwritten signature in black ink, appearing to be 'Ernâni Magalhães', written in a cursive style.

Hon. Ernâni Magalhães
Administrative Law Judge

Distributed to Parties:

Commissioner of Labor – Complainant, by Counsel Brent Cullers by E-Mail at
brcullers@dol.in.gov

Respondent, by e-mail at rob.davidson@alexchem.com