

# 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:**  
K & S Pallets, Inc.  
and its successors  
1025 Osage Street  
Fort Wayne, IN 46808

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023

**Inspection Site:**  
1025 Osage Street  
Fort Wayne, IN 46808

*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.

**PMA's** - 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 07/05/2023.

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:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



### **Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

IC 22-8-1.1 Section 2: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that the employees were exposed to potential fire and/or deflagration (explosion) hazards because methods were not utilized to contain combustible dusts such as, but not limited to wood dust from becoming airborne and combining with an ignition source:

a) Outside against the East wall of the Gray Building - A dust collector was used to collect the wood dust created during the ripping of boards on the XL Ripper. Although a dust collector was on site, it was not being utilized to collect the wood dust being created by the XL Ripper which resulted in wood dust accumulating under and around the XL Ripper, on rafters, on the dust collection air ducts, and an electrical transformer. Wood dust being created by the XL Ripper could potentially ignite when it comes into contact with an ignition source.

Among other methods, one feasible and acceptable method to correct this hazard is to protect the dust collectors in accordance with Section 9.6.1 of the National Fire Protection Agency's (NFPA) Standard for the Prevention of Fires and Dust Explosions in Wood Processing and Woodworking Facilities (NFPA 664-2020). Section 9.6.1 of NFPA 664-2020 states that when deflagrable wood dust is produced by process equipment, continuous suction to capture and contain fugitive dust shall be provided.

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

b) Outside against the East wall of the Red Building - A 53 foot semi trailer is used to collect the wood dust from the dust collection system created during the wood cutting process on the Pendu Saw, the Baker Saw, and the Baker Double Notcher. The dust collection system discharge was leaking wood dust as it was being collected in the trailer. This resulted in wood dust piling up between and both sides of the trailer and the building wall. Wood dust leaking out of the discharge could potentially ignite when it comes into contact with an ignition source.

Among other methods, one feasible and acceptable method to correct this hazard is to protect the dust collectors in accordance with Section 9.7.2.2 of the National Fire Protection Agency's (NFPA) Standard for the Prevention of Fires and Dust Explosions in Wood Processing and Woodworking Facilities (NFPA 664-2020). Section 9.7.2.2 of NFPA 664-2020 states that dust collectors that discharge into storage bins or silos shall do so in a manner that minimizes the generation of dust clouds. The discharge arrangement shall be constructed to minimize dust leaks and shall contain a choke to prevent explosion propagation between the collecting equipment and storage facilities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$2,400.00





**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

Gray Building - Employees were exposed to 2nd-degree burns and respiratory irritation from smoke inhalation when egress out of the building was slowed from having to open a manual overhead door. The mandoor near the XL Ripper was damaged and inoperable.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

Gray Building - Employees were exposed to an ingoing nip point between the insert feed roll and the piece of wood or the feeding surface on the XL Ripper when feeding boards to be ripped. The XL Ripper was not adequately guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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 5 a**    Type of Violation: **Serious**

29 CFR 1910.213(c)(1): Circular handfed ripsaw(s) were not guarded by an automatically adjusting hood which completely enclosed that portion of the saw above the table and above the material being cut:

Red building - Employees were exposed to amputation hazards when making wedges on the SkilSaw 3310 table saw when the rotating saw blade was not protected by an automatically adjusting hood.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$2,800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

Safety Order 1 Item 5 b    Type of Violation: **Serious**

29 CFR 1910.213(c)(2): Hand-fed circular ripsaw(s) were not furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator:

Red Building - Employees were exposed to struck-by and amputation hazards when making wedges on the SkilSaw table saw when a spreader was not installed on the table saw.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$0.00







**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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 8 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):

- a) Outside by gray building - Employees were exposed to an ingoing nip point on the large chainsaw when the pulleys were not guarded.
- b) Red Building - Employees were exposed to an ingoing nip point on the Pendu Cut-off Saw when the pulleys for the saw blade were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$1,600.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

Safety Order 1 Item 8 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:

- a) Outside by gray building - Employees were exposed to an ingoing nip point on the large chainsaw when the belt was not guarded.
- b) Red Building - Employees were exposed to an ingoing nip point on the Pendu cut-off saw when 3 belts for the saw blade were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$0.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 10**    Type of Violation: **Serious**

29 CFR 1910.303(b)(8)(iii): Electric equipment provided with ventilating openings was installed so that walls or other obstructions prevent the free circulation of air through the equipment:

Grey Building - An employee was exposed to fire hazards when Siemens 45 KVA transformer had wood dust accumulating around the transformer, creating a fire hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

Safety Order 1 Item 11      Type of Violation: **Serious**

29 CFR 1910.305(a)(1)(i): Metal raceways, cable armor, and other metal enclosures for conductors were not metallically joined together into a continuous electric conductor:

- a) Pallet Hog area - Employees were to exposed to electrical shock when the pallet hog E-Stop box had exposed wires.
- b) Gray Building - Employees were to exposed to electrical shock when a metal conduit pulled away from a disconnected switch near XL Ripper.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

Safety Order 1 Item 12      Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

- a) Grey Building - An employee was exposed to shock hazards when Siemens 45 KVA transformer had an unused opening on the side with wood dust accumulating.
- b) Grey Building - An employee was exposed to electric shock when the XL Ripper had an unused opening on the bottom with exposed wires.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 13**      Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

- a) Main Building, Saw area - Employees were exposed to electrical shock when a flexible cable was pulled from a junction box and did not have strain relief.
- b) Main Building, Northside wall - Employees were exposed to electrical shock when the air compressor power cable was pulled away from the 480-volt control panel.
- c) Red Building - Employees were exposed to electrical shock when electrical conductors were pulled away from the control panel for the Baker Double Notcher.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.213(g)(1): Swing cutoff saw(s) were not provided with an automatically adjusting hood that completely enclosed the upper half of the saw, the arbor end, and the point of operation at all positions of the saw:

Red Building - Employees were exposed to amputations when operating the Pendu Cut-off Saw when the saw blade was not guarded.

K & S Pallets, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.213(g)(1), which was contained in IOSHA inspection number 318120698, safety order 1, item number 2 and was affirmed as a final order on 7/21/2020, with respect to a workplace located at 1025 Osage Street, Fort Wayne, IN 46801.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$11,200.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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 2 Item 2 a**    Type of Violation: **Repeat-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):

Red Building - Employees were exposed to ingoing nip points on the Pendu Cut-off Saw when a belt and four serpentine pulleys for the conveyor were not guarded.

K & S Pallets, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.219(d)(1), which was contained in IOSHA inspection number 318120698, safety order 1, item number 3a and was affirmed as a final order on 7/21/2020, with respect to a workplace located at 1025 Osage Street, Fort Wayne, IN 46801.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$11,200.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 2 Item 2 b**    Type of Violation: **Repeat-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:

Red Building - Employees were exposed to ingoing nip points on the Pendu Cut-off Saw when a belt and four serpentine pulleys for the conveyor were not guarded.

K & S Pallets, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.219(e)(1)(i), which was contained in IOSHA inspection number 318120698, safety order 1, item number 3b and was affirmed as a final order on 7/21/2020, with respect to a workplace located at 1025 Osage Street, Fort Wayne, IN 46801.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

- a) Main Building - A fire extinguisher was on the floor under the mounting location against the support beam.
- b) Gray Building - A fire extinguisher was mounted on the wall but was not identified.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

Safety Order 3 Item 2      Type of Violation: **Non Serious**

29 CFR 1910.303(b)(7): Electrical equipment was not installed in a neat and workmanlike manner:

- a) Main building, Saw area - Employees were exposed to electrical shock while they worked near the electrical conductors hanging from the conduit pipe near the PRS saw.
- b) Main building, Saw area - Employees were exposed to electrical shock while they worked near an electrical conductor hanging out of a junction box near the PRS Saw motor.
- c) Main building North side wall - Employees were exposed to electrical shock with a live electrical conductor hanging out of the raceway that connect to 480-volt control panel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name: K & S Pallets, Inc.**

**Inspection Site: 1025 Osage Street, Fort Wayne, IN 46808**

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

29 CFR 1910.303(g)(1)(i): The dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive was less than indicated in Table S1:

Main Building, Northside wall - An employee was exposed to electric shock when the working space in the front 480-volt breaker panel was less than 3 feet from an air compressor and pallets.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

August 07, 2023

Proposed Penalty:

\$0.00

  
Jameson Berry  
IOSHA Director



## INVOICE/DEBT COLLECTION NOTICE

---

**Company Name: K & S Pallets, Inc.**  
**Inspection Site: 1025 Osage Street, Fort Wayne, IN 46808**  
**Issuance Date: 07/05/2023**

**Summary of Penalties for Inspection Number: 1653883**

Safety Order 1 Item 1, Serious	\$2,400.00
Safety Order 1 Item 2, Serious	\$1,200.00
Safety Order 1 Item 3, Serious	\$800.00
Safety Order 1 Item 4, Serious	\$1,600.00
Safety Order 1 Item 5a, Serious	\$2,800.00
Safety Order 1 Item 5b, Serious	\$0.00
Safety Order 1 Item 5c, Serious	\$0.00
Safety Order 1 Item 6, Serious	\$1,600.00
Safety Order 1 Item 7, Serious	\$1,600.00
Safety Order 1 Item 8a, Serious	\$1,600.00
Safety Order 1 Item 8b, Serious	\$0.00
Safety Order 1 Item 9, Serious	\$1,600.00
Safety Order 1 Item 10, Serious	\$800.00
Safety Order 1 Item 11, Serious	\$800.00
Safety Order 1 Item 12, Serious	\$1,600.00
Safety Order 1 Item 13, Serious	\$800.00
Safety Order 2 Item 1, Repeat-Serious	\$11,200.00
Safety Order 2 Item 2a, Repeat-Serious	\$11,200.00
Safety Order 2 Item 2b, Repeat-Serious	\$0.00
Safety Order 3 Item 1, Non Serious	\$0.00
Safety Order 3 Item 2, Non Serious	\$0.00
Safety Order 3 Item 3, Non Serious	\$0.00

---

**TOTAL PROPOSED PENALTIES: \$41,600.00**

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

7/5/2023  
\_\_\_\_\_  
Date

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE IOSHA BOARD OF  
SAFETY REVIEW

FILED

APR 23 2024

Indiana Board of  
Safety Review

IN THE MATTER OF THE )  
COMMISSIONER OF LABOR, )  
 )  
Complainant, )  
 )  
v. )  
 )  
K & S PALLETS INC., )  
AND ITS SUCCESSORS, )  
 )  
Respondent. )

CASE DOCKET NO. 23-033

ADMINISTRATIVE CAUSE NO.  
DOL-2308-002097

**FINAL ORDER**

The parties to the above-referenced proceeding, through their duly authorized representatives, have filed with the Board their Agreed Entry. The Board, being duly advised, now accepts the Respondent's withdrawal of its Notice of Contest, and adopts the Safety Orders and penalty issued by the Commissioner of Labor, as modified by the Agreed Entry, as its final order in this matter.

IT IS ORDERED that the Respondent's withdrawal of its Notice of Contest is accepted and the Safety Orders and penalty issued by the Commissioner of Labor, as modified by the Agreed Entry, is adopted as a final order.

Dated: 4/23/24

  
\_\_\_\_\_  
Danny Deighton, Chairman

Copies to:

J. Anthony Hardman  
General Counsel  
Department of Labor  
402 W. Washington St., Rm. W195  
Indianapolis, IN 46204

Michelle Harris  
K & S Pallets Inc  
1025 Osage Street  
Fort Wayne, IN 46808

Indiana Office of Administrative Law Proceedings  
100 N. Senate Avenue, Rm. N802  
Indianapolis, IN 46204





Filed March 31, 2024

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

**BEFORE THE INDIANA OFFICE OF  
ADMINISTRATIVE LAW PROCEEDINGS,  
SUBJECT TO THE ULTIMATE  
AUTHORITY OF THE IOSHA BOARD OF  
SAFETY REVIEW**

IN THE MATTER OF: )  
 )  
COMMISSIONER OF LABOR, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
K & S PALLETS, INC. )  
AND ITS SUCCESSORS, )  
 )  
 Respondent. )

**OALP CASE NO. DOL-2308-002097  
BSR DOCKET NO. 23-033**

**AGREED ENTRY**

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor (hereinafter “Complainant”) and K & S Pallets, Inc. (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 February 28, 2023, through June 1, 2023, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent’s worksite located at 1025 Osage St., Fort Wayne, Indiana 46808.

2. On July 5, 2023, Complainant issued a Safety Order and Notification of Penalty (hereinafter “Safety Order”) resulting from Indiana Department of Labor Inspection No. 1653883 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.

3. On or about July 27, 2023, 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, 3, 4, 5a, 5b, 5c, 6, 7, 8a, 8b, 9, 10, 11, 12, and 13; Safety Order 2, Item Nos. 1, 2a, and 2b; and Safety Order 3, Item Nos. 1, 2, and 3.

5. Safety Order 1, Item 1 alleges a “Serious” violation of IC 22-8-1.1-2 for employees being exposed to fire and explosion hazards due to combustible dust and assesses a penalty of Two Thousand Four Hundred Dollars (\$2,400).

6. Safety Order 1, Item 2 alleges a “Serious” violation of 29 CFR 1910.22(a)(1) and assesses a penalty of One Thousand Two Hundred Dollars (\$1,200).

7. Safety Order 1, Item 3 alleges a “Serious” violation of 29 CFR 1910.36(d)(1) and assesses a penalty of Eight Hundred Dollars (\$800).

8. Safety Order 1, Item 4 alleges a “Serious” violation of 29 CFR 1910.212(a)(1) and assesses a penalty of One Thousand Six Hundred Dollars (\$1,600).

9. Safety Order 1, Item 5a alleges a “Serious” violation of 29 CFR 1910.213(c)(1) and assesses a penalty, grouped with Items 5b&c, of Two Thousand Eight Hundred Dollars (\$2,800).

10. Safety Order 1, Item 5b alleges a “Serious” violation of 29 CFR 1910.213(c)(2) and assesses no additional penalty to what is assessed in Item 5a.

11. Safety Order 1, Item 5c alleges a “Serious” violation of 29 CFR 1910.213(c)(3) and assesses no additional penalty to what is assessed in Item 5a.

12. Safety Order 1, Item 6 alleges a “Serious” violation of 29 CFR 1910.213(r)(4) and assesses a penalty of One Thousand Six Hundred Dollars (\$1,600).

13. Safety Order 1, Item 7 alleges a “Serious” violation of 29 CFR 1910.219(c)(4)(i) and assesses a penalty of One Thousand Six hundred Dollars (\$1,600).

14. Safety Order 1, Item 8a alleges a “Serious” violation of 29 CFR 1910.219(d)(1) and assesses a penalty, grouped with Item 8b, of One Thousand Six hundred Dollars (\$1,600).

15. Safety Order 1, Item 8b alleges a “Serious” violation of 29 CFR 1910.219(e)(1)(i) and assesses no additional penalty to what is assessed in Item 8a.

16. Safety Order 1, Item 9 alleges a “Serious” violation of 29 CFR 1910.219(f)(3) and assesses a penalty of One Thousand Six hundred Dollars (\$1,600).

17. Safety Order 1, Item 10 alleges a “Serious” violation of 29 CFR 1910.303(b)(8)(iii) and assesses a penalty of Eight hundred Dollars (\$800).

18. Safety Order 1, Item 11 alleges a “Serious” violation of 29 CFR 1910.305(a)(1)(i) and assesses a penalty of Eight hundred Dollars (\$800).

19. Safety Order 1, Item 12 alleges a “Serious” violation of 29 CFR 1910.305(b)(1)(ii) and assesses a penalty of One Thousand Six hundred Dollars (\$1,600).

20. Safety Order 1, Item 13 alleges a “Serious” violation of 29 CFR 1910.305(g)(2)(iii) and assesses a penalty of Eight hundred Dollars (\$800).

21. Safety Order 2, Item 1 alleges a “Serious” violation of 29 CFR 1910.213(g)(1) and assesses a penalty of Eleven Thousand Two hundred Dollars (\$11,200).

22. Safety Order 2, Item 2a alleges a “Repeat-Serious” violation of 29 CFR 1910.219(d)(1) and assesses a penalty, grouped with Item 2b, of Eleven Thousand Two hundred Dollars (\$11,200).

23. Safety Order 2, Item 2b alleges a “Repeat-Serious” violation of 29 CFR 1910.219(e)(1)(i) and assesses no additional penalty to what is assessed in Item 2a.

24. Safety Order 3, Item 1 alleges a “Non Serious” violation of 29 CFR 1910.157(c)(1) and assesses a penalty of Zero Dollars (\$0).

25. Safety Order 3, Item 2 alleges a “Non Serious” violation of 29 CFR 1910.303(b)(7) and assesses a penalty of Zero Dollars (\$0).

26. Safety Order 3, Item 3 alleges a “Non Serious” violation of 29 CFR 1910.303(g)(1)(i) and assesses a penalty of Zero Dollars (\$0).

27. The total assessed penalty for Safety Order 1, 2 and 3 combined is Forty-One Thousand Six Hundred Dollars (\$41,600).

### PART III.

28. The Safety Order is hereby amended as follows.

29. Safety Order 1, Item 1 is upheld, but the penalty is reduced by 50% to \$1,200.

30. Safety Order 1, Item 2 is upheld, but the penalty is reduced by 50% to \$600.

31. Safety Order 1, Item 3 upheld, but the penalty is reduced by 50% to \$400.

32. Safety Order 1, Item 4 is upheld, but the penalty is reduced by 50% to \$800.

33. Safety Order 1, Item 5a is upheld, but the penalty is reduced to 50% to \$1,400.

34. Safety Order 1, Item 5b is upheld in its entirety.

35. Safety Order 1, Item 5c is upheld in its entirety.

36. Safety Order 1, Item 6 is upheld, but the penalty is reduced by 50% to \$800.

37. Safety Order 1, Item 7 is upheld, but the penalty is reduced by 50% to \$800.

38. Safety Order 1, Item 8a is upheld, but the penalty is reduced by 50% to \$800.

39. Safety Order 1, Item 8b is upheld in its entirety.

40. Safety Order 1, Item 9 is upheld, but the penalty is reduced by 50% to \$800.

41. Safety Order 1, Item 10 is upheld, but the penalty is reduced by 50% to \$400.

42. Safety Order 1, Item 11 is upheld, but the penalty is reduced by 50% to \$400.
43. Safety Order 1, Item 12 is upheld, but the penalty is reduced by 50% to \$800.
44. Safety Order 1, Item 13 is upheld, but the penalty is reduced by 50% to \$400.
45. Safety Order 2, Item 1 is upheld, but the penalty is reduced by 50% to \$5,600.
46. Safety Order 2, Item 2a is upheld, but the penalty is reduced by 50% to \$5,600.
47. Safety Order 2, Item 2b is upheld in its entirety.
48. Safety Order 3, Item 1 is upheld in its entirety.
49. Safety Order 3, Item 2 is upheld in its entirety.
50. Safety Order 3, Item 3 is upheld in its entirety.
51. The AGREED total penalty for all violations and all subparts thereunder, subject to this Agreed Entry, is Twenty Thousand Eight Hundred Dollars (\$20,800).
52. In consideration for penalty reductions agreed upon herein, Respondent agrees to complete a comprehensive health and safety consultation with INSafe and provide Complainant with proof of completion within ninety (90) days of the issuance of a Final Order in this matter.
53. Complainant agrees to allow Respondent no more than a total of twelve consecutive months to pay the agreed total penalty. Respondent shall make at least one payment of at least One Thousand Seven Hundred Thirty-Three and 34/100 Dollars (\$1,733.34) each consecutive month until the agreed total penalty of \$20,800 is paid in full; the first payment being due with Respondent's execution of this Agreed Entry. Subsequent payments shall be due by the 15<sup>th</sup> day of each month until said penalty is paid in full.
54. If Respondent fails to make timely payments or fails to pay the full agreed total penalty as stated herein, the full amount of unpaid penalty that remains shall be immediately due to Complainant, Complainant may use every legal remedy available to collect such unpaid

amount, interest shall begin to accrue on said unpaid amount at the rate of 12% apr compounded daily, and Complainant may collect costs and fees, including legal fees, from Respondent for any collection action that may be necessary to enforce this agreement.

55. 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”).

56. Respondent confirms Complainant’s right to re-inspect its workplaces, in accordance with the Act, and to verify abatement of the alleged violations.

57. If not already identified in the Safety Order and Notification of Penalty as completed during the inspection, all abatement, including any enhanced abatement identified and agreed upon herein, must still be completed in a timely manner and certified to IOSHA by sending confirmation of 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](mailto:abatement@dol.in.gov).

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

#### PART IV.

59. 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.

60. Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by the Respondent shall be deemed an admission by Respondent of the allegations contained within the Safety Order(s) and Notification(s) of

Penalty. The agreements, statements, findings, and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

61. 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.

62. 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 31 day of March 2024.

**K & S PALLETS, INC.**

By: Steve LeFebvre

Printed: Steve LeFebvre

Title: President

**COMMISSIONER OF LABOR**

By: Jameson Berry

**Jameson Berry,  
Director of Health Compliance,  
IOSHA**

By: J. Anthony Hardman  
**J. Anthony Hardman  
Counsel for Complainant**

## 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:**  
K & S Pallets, Inc.  
and its successors  
1025 Osage Street  
Fort Wayne, IN 46808

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023

**Inspection Site:**  
1025 Osage Street  
Fort Wayne, IN 46808

*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 07/05/2023.

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:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

IC 22-8-1.1 Section 2: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that the employees were exposed to potential fire and/or deflagration (explosion) hazards because methods were not utilized to contain combustible dusts such as, but not limited to wood dust from becoming airborne and combining with an ignition source:

a) Outside against the East wall of the Gray Building - A dust collector was used to collect the wood dust created during the ripping of boards on the XL Ripper. Although a dust collector was on site, it was not being utilized to collect the wood dust being created by the XL Ripper which resulted in wood dust accumulating under and around the XL Ripper, on rafters, on the dust collection air ducts, and an electrical transformer. Wood dust being created by the XL Ripper could potentially ignite when it comes into contact with an ignition source.

Among other methods, one feasible and acceptable method to correct this hazard is to protect the dust collectors in accordance with Section 9.6.1 of the National Fire Protection Agency's (NFPA) Standard for the Prevention of Fires and Dust Explosions in Wood Processing and Woodworking Facilities (NFPA 664-2020). Section 9.6.1 of NFPA 664-2020 states that when deflagrable wood dust is produced by process equipment, continuous suction to capture and contain fugitive dust shall be provided.

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

b) Outside against the East wall of the Red Building - A 53 foot semi trailer is used to collect the wood dust from the dust collection system created during the wood cutting process on the Pendu Saw, the Baker Saw, and the Baker Double Notcher. The dust collection system discharge was leaking wood dust as it was being collected in the trailer. This resulted in wood dust piling up between and both sides of the trailer and the building wall. Wood dust leaking out of the discharge could potentially ignite when it comes into contact with an ignition source.

Among other methods, one feasible and acceptable method to correct this hazard is to protect the dust collectors in accordance with Section 9.7.2.2 of the National Fire Protection Agency's (NFPA) Standard for the Prevention of Fires and Dust Explosions in Wood Processing and Woodworking Facilities (NFPA 664-2020). Section 9.7.2.2 of NFPA 664-2020 states that dust collectors that discharge into storage bins or silos shall do so in a manner that minimizes the generation of dust clouds. The discharge arrangement shall be constructed to minimize dust leaks and shall contain a choke to prevent explosion propagation between the collecting equipment and storage facilities.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$2,400.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.22(a)(1): The employer did not ensure that all places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition:

Gray building - Employees were exposed to fire and/or deflagration hazards when accumulations of between approximately 0.25 inches to 3 inches of combustible dust from the wood-cutting process had settled on surfaces such as, but not limited to, floors, equipment, rafters, dust collection system air ducts, electrical breaker boxes, and an electrical transformer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$1,200.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

Gray Building - Employees were exposed to 2nd-degree burns and respiratory irritation from smoke inhalation when egress out of the building was slowed from having to open a manual overhead door. The mandoor near the XL Ripper was damaged and inoperable.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$800.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

Gray Building - Employees were exposed to an ingoing nip point between the insert feed roll and the piece of wood or the feeding surface on the XL Ripper when feeding boards to be ripped. The XL Ripper was not adequately guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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 5 a** · Type of Violation: **Serious**

29 CFR 1910.213(c)(1): Circular handfed ripsaw(s) were not guarded by an automatically adjusting hood which completely enclosed that portion of the saw above the table and above the material being cut:

Red building - Employees were exposed to amputation hazards when making wedges on the SkilSaw 3310 table saw when the rotating saw blade was not protected by an automatically adjusting hood.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$2,800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 5 b**    Type of Violation: **Serious**

29 CFR 1910.213(c)(2): Hand-fed circular rip saw(s) were not furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator:

Red Building - Employees were exposed to struck-by and amputation hazards when making wedges on the SkillSaw table saw when a spreader was not installed on the table saw.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 5 c**    Type of Violation: **Serious**

29 CFR 1910.213(c)(3): Hand-fed rip saw(s) did not have non kickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator:

Red Building - Employees were exposed to struck-by and amputation hazards when making wedges on the SkilSaw table saw when non-kickback fingers or dogs were not installed on the table saw.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 6**      Type of Violation: **Serious**

29 CFR 1910.213(r)(4): Suitable guard(s) were not provided to reduce to a minimum the hazard due to the point of operation of the PRS Automatic Trimmer Saw:

Main Building Saw Area - Employees were exposed to amputations on the PRS Automatic Trimmer Saw when the blade guard was bypassed in the open position and was not adequately guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 7**      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:

- a) Main building, saw area - Employees were exposed to caught-on hazards when the PRS automatic trim saw had a shaft end projecting that did not have a smooth edge and was not guarded.
- b) Red Building - Employees were exposed to caught-on hazards when the Baker Double Notcher had 2 shaft ends projecting that did not have a smooth edge and were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

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 8 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):

- a) Outside by gray building - Employees were exposed to an ingoing nip point on the large chainsaw when the pulleys were not guarded.
- b) Red Building - Employees were exposed to an ingoing nip point on the Pendu Cut-off Saw when the pulleys for the saw blade were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 8 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:

- a) Outside by gray building - Employees were exposed to an ingoing nip point on the large chainsaw when the belt was not guarded.
- b) Red Building - Employees were exposed to an ingoing nip point on the Pendu cut-off saw when 3 belts for the saw blade were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$0.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 9**      Type of Violation: **Serious**

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

- a) Red Building - Employees were exposed to caught-in hazards on the Baker Double Notcher when the sprocket wheel and chain was not guarded.
- b) Red Building - Employees were exposed to caught-in hazards on the Pendu saw when the sprocket wheel and chain on the log conveyor was not guarded.
- c) Gray Building - Employees were exposed to caught-in hazards on the XL Ripper when the sprocket wheel and chains on the insert side and the exit side of the XL Ripper were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 10**      Type of Violation: **Serious**

29 CFR 1910.303(b)(8)(iii): Electric equipment provided with ventilating openings was installed so that walls or other obstructions prevent the free circulation of air through the equipment:

Grey Building - An employee was exposed to fire hazards when Siemens 45 KVA transformer had wood dust accumulating around the transformer, creating a fire hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

August 07, 2023  
\$800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 11**      Type of Violation: **Serious**

29 CFR 1910.305(a)(1)(i): Metal raceways, cable armor, and other metal enclosures for conductors were not metallically joined together into a continuous electric conductor:

- a) Pallet Hog area - Employees were to exposed to electrical shock when the pallet hog E-Stop box had exposed wires.
- b) Gray Building - Employees were to exposed to electrical shock when a metal conduit pulled away from a disconnected switch near XL Ripper.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$800.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 12**      Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

- a) Grey Building - An employee was exposed to shock hazards when Siemens 45 KVA transformer had an unused opening on the side with wood dust accumulating.
- b) Grey Building - An employee was exposed to electric shock when the XL Ripper had an unused opening on the bottom with exposed wires.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$1,600.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 1 Item 13**      Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws:

- a) Main Building, Saw area - Employees were exposed to electrical shock when a flexible cable was pulled from a junction box and did not have strain relief.
- b) Main Building, Northside wall - Employees were exposed to electrical shock when the air compressor power cable was pulled away from the 480-volt control panel.
- c) Red Building - Employees were exposed to electrical shock when electrical conductors were pulled away from the control panel for the Baker Double Notcher.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$800.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

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 2 Item 2 a**    Type of Violation: **Repeat-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):

Red Building - Employees were exposed to ingoing nip points on the Pendu Cut-off Saw when a belt and four serpentine pulleys for the conveyor were not guarded.

K & S Pallets, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.219(d)(1), which was contained in IOSHA inspection number 318120698, safety order 1, item number 3a and was affirmed as a final order on 7/21/2020, with respect to a workplace located at 1025 Osage Street, Fort Wayne, IN 46801.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$11,200.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 2 Item 2 b**    Type of Violation: **Repeat-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:

Red Building - Employees were exposed to ingoing nip points on the Pendu Cut-off Saw when a belt and four serpentine pulleys for the conveyor were not guarded.

K & S Pallets, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.219(e)(1)(i), which was contained in IOSHA inspection number 318120698, safety order 1, item number 3b and was affirmed as a final order on 7/21/2020, with respect to a workplace located at 1025 Osage Street, Fort Wayne, IN 46801.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$0.00



**Indiana Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 1653883  
CSHO ID: K1084  
Optional Report No.: 23-6  
Inspection Date(s): 02/28/2023 - 06/01/2023  
Issuance Date: 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name: K & S Pallets, Inc.**  
**Inspection Site: 1025 Osage Street, Fort Wayne, IN 46808**

---

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

- a) Main Building - A fire extinguisher was on the floor under the mounting location against the support beam.
- b) Gray Building - A fire extinguisher was mounted on the wall but was not identified.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	August 07, 2023
Proposed Penalty:	\$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1653883  
**CSHO ID:** K1084  
**Optional Report No.:** 23-6  
**Inspection Date(s):** 02/28/2023 - 06/01/2023  
**Issuance Date:** 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808

---

**Safety Order 3 Item 2**      Type of Violation: **Non Serious**

29 CFR 1910.303(b)(7): Electrical equipment was not installed in a neat and workmanlike manner:

- a) Main building, Saw area - Employees were exposed to electrical shock while they worked near the electrical conductors hanging from the conduit pipe near the PRS saw.
- b) Main building, Saw area - Employees were exposed to electrical shock while they worked near an electrical conductor hanging out of a junction box near the PRS Saw motor.
- c) Main building North side wall - Employees were exposed to electrical shock with a live electrical conductor hanging out of the raceway that connect to 480-volt control panel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$0.00

**Indiana Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 1653883  
CSHO ID: K1084  
Optional Report No.: 23-6  
Inspection Date(s): 02/28/2023 - 06/01/2023  
Issuance Date: 07/05/2023



**Safety Order and Notification of Penalty**

**Company Name: K & S Pallets, Inc.**  
**Inspection Site: 1025 Osage Street, Fort Wayne, IN 46808**

---

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

29 CFR 1910.303(g)(1)(i): The dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive was less than indicated in Table S1:

Main Building, Northside wall - An employee was exposed to electric shock when the working space in the front 480-volt breaker panel was less than 3 feet from an air compressor and pallets.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: August 07, 2023  
Proposed Penalty: \$0.00

  
Jameson Berry  
IOSHA Director



## INVOICE/DEBT COLLECTION NOTICE

---

**Company Name:** K & S Pallets, Inc.  
**Inspection Site:** 1025 Osage Street, Fort Wayne, IN 46808  
**Issuance Date:** 07/05/2023

**Summary of Penalties for Inspection Number:** 1653883

Safety Order 1 Item 1, Serious	\$2,400.00
Safety Order 1 Item 2, Serious	\$1,200.00
Safety Order 1 Item 3, Serious	\$800.00
Safety Order 1 Item 4, Serious	\$1,600.00
Safety Order 1 Item 5a, Serious	\$2,800.00
Safety Order 1 Item 5b, Serious	\$0.00
Safety Order 1 Item 5c, Serious	\$0.00
Safety Order 1 Item 6, Serious	\$1,600.00
Safety Order 1 Item 7, Serious	\$1,600.00
Safety Order 1 Item 8a, Serious	\$1,600.00
Safety Order 1 Item 8b, Serious	\$0.00
Safety Order 1 Item 9, Serious	\$1,600.00
Safety Order 1 Item 10, Serious	\$800.00
Safety Order 1 Item 11, Serious	\$800.00
Safety Order 1 Item 12, Serious	\$1,600.00
Safety Order 1 Item 13, Serious	\$800.00
Safety Order 2 Item 1, Repeat-Serious	\$11,200.00
Safety Order 2 Item 2a, Repeat-Serious	\$11,200.00
Safety Order 2 Item 2b, Repeat-Serious	\$0.00
Safety Order 3 Item 1, Non Serious	\$0.00
Safety Order 3 Item 2, Non Serious	\$0.00
Safety Order 3 Item 3, Non Serious	\$0.00

---

**TOTAL PROPOSED PENALTIES:** \$41,600.00

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

7/5/2023  
\_\_\_\_\_  
Date