

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: 317-232-2691 FAX: (317)233-3790



Certified mail # 706 3010 0001 0288 7354 11-30-17 jfo

Safety Order and Notification of Penalty

To:
Rural King Supply DBA Rural King #48
2960 East 10th Street
Jeffersonville, IN 47130

Inspection Number: 318087368
CSHO ID: T6073
Optional Report No.: 0307-17
Inspection Date(s): 6/13/2017
Issuance Date: 11/30/2017

Inspection Site:
2960 East 10th Street
Jeffersonville, IN 47130

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 place 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 of the 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 agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. 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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 11/30/2017. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. 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: 318087368
Inspection Date(s): 6/13/2017
Issuance Date: 11/30/2017
CSHO ID: T6073
Optional Report No.: 0307-17

Safety Order and Notification of Penalty

Company Name: Rural King Supply DBA Rural King #48
Inspection Site: 2960 East 10th Street, Jeffersonville, IN 47130

Safety Order 01 Item 001

Type of Violation: **Serious**

29 CFR 1910.29(b)(2)(i): Midrails are installed at a height midway between the top edge of the guardrail system and the walking-working surface:

Rural King Store #48 Warehouse - No mid rail was provided for a portion of the guardrail system installed on the upper storage level in the warehouse which exposed employees to potential fall hazards from over 8 feet.

Date By Which Violation Must Be Abated:
Proposed Penalty:

1/5/2018
\$2,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order 01 Item 002 Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

Rural King Store # 48 - The personal protective equipment requirements were not evaluated for employees who performed tasks such as, but not limited to; forktruck maintenance and use, use of Pyroil starting fluid, and material handling.

Date By Which Violation Must Be Abated: **1/5/2018**
Proposed Penalty: **\$3,500.00**

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Safety Order 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

Rural King Store # 48 - No hazardous energy control program (lockout/tagout) documentation for procedures, training, and periodic inspections, was provided for employees who performed maintenance activities on equipment to include a forklift.

Date By Which Violation Must Be Abated: 1/5/2018
Proposed Penalty: \$2,000.00

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Occupational Safety and Health Administration

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Safety Order 01 Item 004

Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(ii): The employer did not ensure that each operator had successfully completed the training required by paragraph (l), except as permitted by paragraph (l)(5), prior to permitting an employee to operate a powered industrial truck:

Rural King Store #48 - An employee was operating a fork lift without having received or completed any formal training and practical training.

Formal training consists of lectures, discussions, interactive computer learning, videos, or written materials with practical training consisting of demonstrations performed by the trainer and exercises performed by the trainee.

Date By Which Violation Must Be Abated:
Proposed Penalty:

1/5/2018
\$3,500.00

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Occupational Safety and Health Administration

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

Safety Order 01 Item 005a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Rural KIng Store #48 - No hazard communication program was developed for employees who routinely used hazardous chemical products such as, but not limited to: Pyroil starting fluid, and CRC battery cleaner.

Date By Which Violation Must Be Abated: **1/5/2018**
Proposed Penalty: **\$2,000.00**

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Safety Order 01 Item 005b Type of Violation: **Serious**

29 CFR 1910.1200(e)(4): The employer did not make the written hazard communication program available upon request to the Assistant Secretary and the Director in accordance with 29 CFR 1910.1020(e):

Rural King Store #48 - No hazard communication program was provided for review as developed for employees who routinely used hazardous chemical products such as, but not limited to: Pyroil starting fluid, and CRC battery cleaner.

Date By Which Violation Must Be Abated: **1/5/2018**
Proposed Penalty: **\$0.00**

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

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Safety Order 02 Item 001

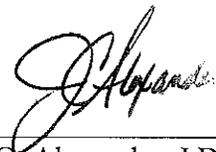
Type of Violation: **NonSerious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours.

Rural King Store # 48 - Copies of the injury and illness records were not provided for the years 2014, 2015 and 2016.

Date By Which Violation Must Be Abated:
Proposed Penalty:

1/5/2018
\$1,000.00



Julie C. Alexander, J.D.
Director of General Industry

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-2691 FAX: (317)233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: Rural King Supply DBA Rural King #48
Inspection Site: 2960 East 10th Street, Jeffersonville, IN 47130
Issuance Date: 11/30/2017

Summary of Penalties for Inspection Number: 318087368

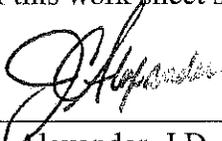
Safety Order 1, Serious	= \$13,000.00
Safety Order 2, NonSerious	= \$1,000.00
TOTAL PENALTIES	= \$14,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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 work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).



Julie C. Alexander, J.D.
Director of General Industry

11.30.17

Date



INDIANA

DEPARTMENT OF LABOR

ERIC HOLCOMB, GOVERNOR
Rick J. Ruble, Commissioner
402 West Washington Street, Room W195
Indianapolis, Indiana 46204-2751
Phone: (317) 232-2655
Fax: (317) 233-3790

Certified mail # 7018 3018 00010288 7354 11-30-17 jrs

November 30, 2017

Gordon Haymaker
Rural King Supply Store # 48
2960 East 10th Street
Jeffersonville, Indiana 47130

RE: Inspection #318087368

Mr. Gordon Haymaker:

An inspection of Rural King Store # 48 located at 2960 E 10th Street, Jeffersonville, Indiana 47130 beginning on June 13, 2017, and revealed the following hazards:

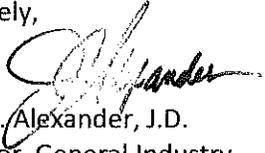
Rural King store #48 employees are required to work in an area where there are variable measurable amounts of carbon monoxide (CO) being released into the breathable atmosphere. CO measurements taken on 6/13/2017 showed amounts in the ambient air between 56.5 parts per million and 492 ppm while the fork lift was running. Exasperating this issue is that there is no ventilation in the dock area with the exception of the 2 roll type doors where if there are trucks in the bay will not exhaust fumes. During the inspection it was also found that the dilution exhaust for the storeroom (warehouse) area had been non-operable since February 2017. The fork lift is not being properly maintained and is emitting high levels of CO which is effecting operators and employees not operating the fork lift. There are Kiddie type CO monitors being used in the warehouse/storeroom and dock areas which alarm at 70 ppm while the permissible exposure limit to CO is 50 ppm.

In the interest of workplace safety and health, I recommend that you take the following steps voluntarily to eliminate or reduce your employee's exposure to the hazard described above:

1. Intermittent high carbon monoxide levels;
 - a. Replace the existing Kiddie carbon Monoxide (CO) alarms with an industrial use CO detection system in the warehouse/storeroom and dock areas.
 - b. Set alarm to 50 ppm – alarm to local location.
 - c. Repair the dilution exhaust ventilation (air handlers) in the warehouse/storeroom areas soon as possible. This will at least circulate the air through and dilute the concentration of the CO present in the air.

d. Either use a respected maintenance service or provide diagnostic and measuring equipment to the mechanic who performs work on the fork lift so that proper maintenance may be accomplished eliminating undesirable levels of CO from being emitted from the fork lift during operation.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie C. Alexander". The signature is written in a cursive style with a large initial "J".

Julie C. Alexander, J.D.
Director, General Industry