

## SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Aristoline Cabinet, Inc. (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 316474964 issued to the Employer on February 25, 2013 in the following manner:

### SAFETY ORDER 01:

- Item 1: Upheld, abatement date extended to June 25, 2013. Penalty is amended to \$560.
- Item 2: Upheld, abatement date extended to June 25, 2013. Penalty is amended to \$560.
- Item 3a-h: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.
- Item 4: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.
- Item 5a and 5b: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.
- Item 6: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.
- Item 7: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.
- Item 8: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.
- Item 9a and 9b: Upheld, abatement date extended to June 25, 2013. Penalty reduced to \$560.

### SAFETY ORDER 02:

- Item 1: Upheld, Penalty remains \$0.

Respondent agrees to have INSAFE perform a consultation on the violations in inspection number 316474964 and successfully complete the consultation.

Respondent understands that a request must be made in writing to IOSHA for a Petition for Modification of Abatement prior to the above abatement date if abatement cannot be met by May 25, 2013 and an extension is required.

**The TOTAL AGREED PENALTY is \$5,040.00**

**The first of six payments of \$840 will be due and payable on the 25<sup>th</sup> of April and the next five payments are due on the 25<sup>th</sup> of each consecutive month with the last payment of \$840 due and payable on September 25, 2013.**

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement ("Agreement") the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The Employer further agrees that if the AGREED PENALTY is not paid as agreed that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this Agreement, and IOSHA 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 Employer shall be deemed an admission by Employer 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 IOSHA matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

ARISTOLINE CABINET, INC.

By: *Ann M. [Signature]*

Title: PRESIDENT

Date: 3/15/13

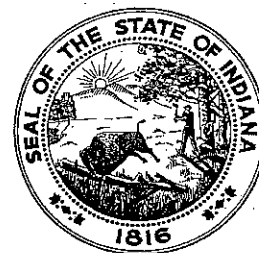
COMMISSIONER OF LABOR

By: *[Signature]*

Title: Director

Date: 3/15/13

Indiana Department of Labor  
Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979 Fax: 317/233-8509



*Certified mail # 7003 10100003 5732 6532 2-22-13 JH*

## Safety Order and Notification of Penalty

<b>To:</b>	<b>Inspection Number:</b>	316474964
Aristoline Cabinets, Inc., and its successors 5803 Industrial Road Fort Wayne, IN 46825	<b>Inspection Date(s):</b>	10/24/2012 - 01/03/2013
	<b>Issuance Date:</b>	02/22/2013

**Inspection Site:**

5803 Industrial Road  
Fort Wayne, IN 46825

*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.

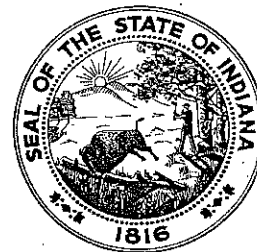
**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

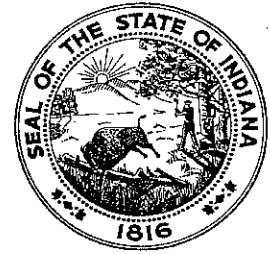
An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 02/22/2013. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_.

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

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

IC 22-8-1.1, Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fire hazards that could result in death, burns, and smoke inhalation:

a) Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards from flammable or combustible vapors and/or residues due to spray room walls not being smooth to facilitate cleaning and no fire suppression system installed within the spray room.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE MEANS OF ABATEMENT MAY INCLUDE:  
Ensure the installation and use of a spray room according to NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials, NFPA 91 Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, 29 CFR 1910.94, 29 CFR 1910.106, and 29 CFR 1910.107.

b) Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards from flammable or combustible vapors and/or residues due to an access door in the exhaust duct being constructed of wood, an access door in the exhaust duct not being sealed, gasketed, or tightly fitted, and an exhaust duct having accumulated deposits of flammable and combustible residues.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE MEANS OF ABATEMENT MAY INCLUDE:  
Ensure the installation and use of a spray room according to NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials, NFPA 91 Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, 29 CFR 1910.94, 29 CFR 1910.106, and 29 CFR 1910.107.

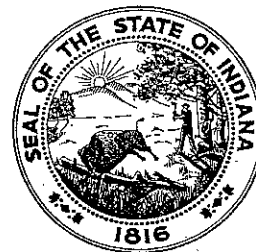
**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$1,500.00



**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

IC 22-8-1.1, Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fire hazards that could result in death, burns, and smoke inhalation:

Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards from flammable or combustible vapors and/or residues due to spray room doors not opening outward to facilitate a safe means of egress.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE MEANS OF ABATEMENT MAY INCLUDE:  
Ensure the installation and use of a spray room according to NFPA 33 Standard for Spray Application Using Flammable or Combustible Materials, NFPA 91 Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, 29 CFR 1910.94, 29 CFR 1910.106, and 29 CFR 1910.107.

OR IN THE ALTERNATIVE;

29 CFR 1910.36(e)(2): Doors which connect any room which is a high hazard area to an exit route must swing out in the direction of travel:

Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards from flammable or combustible vapors and/or residues due to spray room doors not opening outward to facilitate a safe means of egress from a room where the contents are likely to burn with extreme rapidity.

**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$1,500.00

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

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

29 CFR 1910.94(c)(4)(i): Spray room(s) including floors were not constructed of masonry, concrete or other noncombustible material:

Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to the walls and ceilings being constructed of combustible/non-fire rated materials such as but not limited to wood.

**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$1,500.00

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

29 CFR 1910.94(c)(4)(ii): Spray room(s) did not have noncombustible fire door(s) and shutter(s):

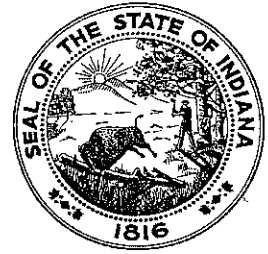
Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to the two (2) 76" wide x 93" high x 1.5" thick sliding doors being constructed from wood and not designed as self-closing fire doors.

**Date By Which Violation Must be Abated:** 03/20/2013

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.107(c)(5): Electrical equipment not approved for locations containing both deposits of readily ignitable residues and explosive vapors was present in spraying area(s):

Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to deposits of flammable residues on the Metalux VT2 Series industrial lights installed on the walls.

**Date By Which Violation Must be Abated: 03/20/2013**

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

29 CFR 1910.107(d)(1): Ventilation and exhaust systems shall be in accordance with the Standard for Blower and Exhaust Systems for Vapor Removal, NFPA No. 91-1961, which is incorporated by reference as specified in 1910.6, where applicable and shall also conform to the provisions of this section:

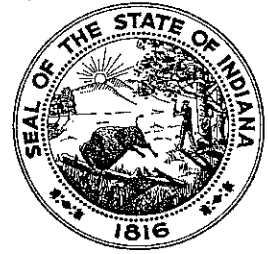
Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to no fire extinguishing system within the 30"high x 8"deep exhaust duct for the spray room ventilation system.

**Date By Which Violation Must be Abated: 03/20/2013**

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 316474964  
Inspection Dates: 10/24/2012 -  
01/03/2013  
Issuance Date: 02/22/2013



**Safety Order and Notification of Penalty**

Company Name: Aristoline Cabinets, Inc.  
Inspection Site: 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.107(d)(2): Spraying area(s) were not provided with mechanical ventilation adequate to remove flammable vapors, mists or powders to a safe location and to confine and control combustible residues:

Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to no overspray collection filter system (or equally effective collection system) installed within the 30"high x 8"deep exhaust duct for the spray room ventilation system.

**Date By Which Violation Must be Abated:** **03/20/2013**

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

29 CFR 1910.107(d)(5): Electric motor(s) driving exhaust fan(s) for spray room was located inside the duct(s):

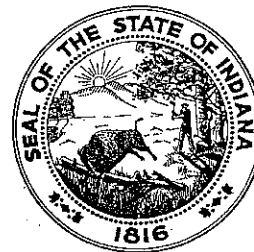
Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to the Soler & Palau Model TXD, direct drive centrifugal upblast roof exhauster fan being mounted within the exhaust ductwork on the northwest exterior wall within the spray room ventilation system.

**Date By Which Violation Must be Abated:** **03/20/2013**

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.107(e)(2): The quantity of flammable or combustible liquids kept in the vicinity of spraying operation(s) exceeded the minimum required for operation:

Spray Room - More than one (1) day supply of flammable and/or combustible paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 were stored on the floor of the spray room where an employee worked up to eight (8) hours per week performing spraying operations.

**Date By Which Violation Must be Abated: 03/20/2013**

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

29 CFR 1910.107(g)(2): Spraying area(s) were not kept free from the accumulation of deposits of combustible residues:

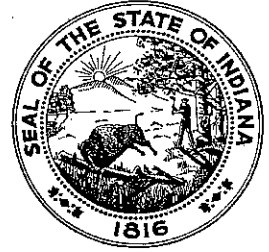
Spray Room - The walls and floor of the spray room had deposits of flammable and/or combustible overspray residues as the result of an employee performing spray operations up to eight (8) hours weekly with products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040.

**Date By Which Violation Must be Abated: 03/20/2013**

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.94(c)(5)(iii)(c): Longitudinal joints in the sheet steel ductwork of the ventilation system(s) of the spray-finishing operation(s) were not lock-seamed, riveted, or welded:

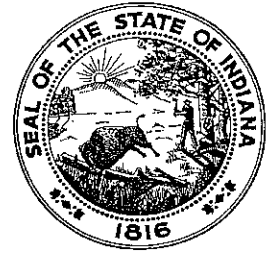
Spray Room - An employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040 was exposed to fire hazards due to cracks within the 30"high x 8"deep exhaust ductwork on the northwest wall that may allow flammable and/or combustible vapors to escape.

<b>Date By Which Violation Must be Abated:</b>	<b>03/20/2013</b>
<b>Proposed Penalty:</b>	<b>\$1,500.00</b>

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

Inspection Number: 316474964  
Inspection Dates: 10/24/2012 - 01/03/2013  
Issuance Date: 02/22/2013



**Safety Order and Notification of Penalty**

Company Name: Aristoline Cabinets, Inc.  
Inspection Site: 5803 Industrial Road, Fort Wayne, IN 46825

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

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

29 CFR 1910.106(d)(3)(ii): Flammable and combustible liquid storage cabinet(s) were not labeled in conspicuous lettering, "Flammable- Keep Fire Away":

Spray Room- The storage cabinet, constructed of 3/4" industrial board, containing flammable liquids such as but not limited to Webb Chemical B-Webb 11-155-1 thinner was not labeled or marked to indicate use as flammable storage. An employee performed spraying operations up to eight (8) hours weekly.

**Date By Which Violation Must be Abated: 03/20/2013**  
**Proposed Penalty: \$1,500.00**

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

29 CFR 1910.106(d)(3)(ii)[b]: Wooden flammable storage cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead woodscrews. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

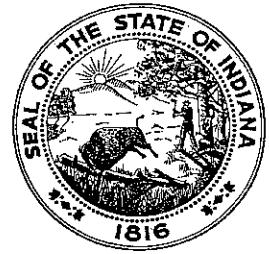
Spray Room- The flammable storage cabinet, containing flammable liquids such as but not limited to Webb Chemical B-Webb 11-155-1 thinner, was constructed of 3/4" industrial board, had doors without rabbetted overlapping, joints fastened in one direction, and hinges mounted in a manner designed for storage of non-flammable material. An employee performed spraying operations up to eight (8) hours weekly.

**Date By Which Violation Must be Abated: 03/20/2013**

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.106(e)(2)(iv)(a): Flammable liquids were not kept in covered container(s) when not actually in use:

Spray Room- The 7" long x 5" wide x 4" deep, metal container of Webb Chemical B-Webb 11-155-1 thinner (flashpoint 28 °F) was not covered. The Graco guns used in airless spray applications were placed in the open metal container when not in use. An employee performed spraying operations up to eight (8) hours weekly with this equipment.

**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$1,500.00

**Safety Order 1 Item 7 Type of Violation: **Serious****

29 CFR 1910.107(c)(6): Electrical wiring and equipment not subject to deposits of combustible residues but located within spraying area(s) was not the explosion proof type approved for Class I, Group D, locations conforming to the provisions of Class I Division I, hazardous locations. Electrical wiring and equipment outside of but within 20 feet of spraying area(s), and not separated therefrom by partitions, did not conform to the provisions for Class I, Division 2, hazardous locations::

a) Spray Area- The McGill incandescent utility lights mounted on the ceiling were not of the type approved for Class 1 Division 1 areas such as that located within the spray room where an employee performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040.

b) Spray Area- The light switch that operated the Soler & Palau Model TXD, direct drive centrifugal upblast roof exhauster fan was not of the type approved for Class 1 Division 2 areas such as that located within 3' of the spray room door opening where an employee performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F, Becker Acroma Satin White Precat Lac NG52002-90013F, and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040.

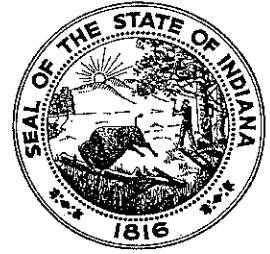
**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$1,500.00



**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

**Safety Order 1 Item 8 Type of Violation: **Serious****

29 CFR 1910.107(i)(6): Electrically conductive objects in the spray area(s) were not adequately grounded:

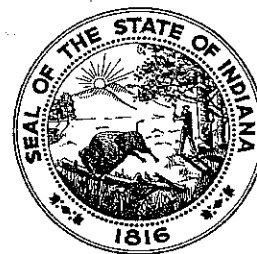
Spray Room- The Graco Monark Model 222791; Series B air motors, used to supply the spray booth air guns, were not grounded to protect employees from fire hazards (electrostatic buildup) for an employee who performed spraying operations up to eight (8) hours per week using flammable paint products such as but not limited to Becker Acroma Care Seal Precat Haps Free FL5312F and Becker Acroma Bernyl Intro Clear Precatalyzed Topcoat 40 Gloss NM5202040.

<b>Date By Which Violation Must be Abated:</b>	<b>03/20/2013</b>
<b>Proposed Penalty:</b>	<b>\$1,500.00</b>

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

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

29 CFR 1910.1200(e)(1)(i): The written hazard communication program did not include a list of the hazardous chemicals known to be present using an identity that was referenced on the appropriate material safety data sheet:

Spray room - Hazardous chemicals such as, but not limited to, Virtuoso Stain Base ACS-9438-1 and Webb Chemical B-Webb 11-155-1 thinner, used by an employee in painting operations on a regular and routine basis, were not included on the list of hazardous chemicals found in the hazard communication program.

**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$600.00

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

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

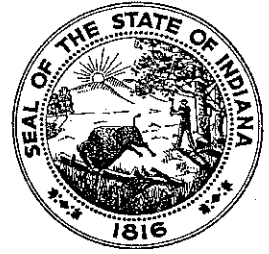
Spray Room - Hazard warnings were not marked on the two (2) cans of up to one gallon capacity labeled "lacquer thinner." Employees used this product up to 8 hours weekly for painting operations, preparation, and general cleaning.

**Date By Which Violation Must be Abated:** 03/20/2013

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.1200(h)(1): The employer shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and material safety data sheets:

Facility - Updated training and communication on the new hazardous chemicals in the workplace was not performed for employees who used on a regular and routine basis products such as, but not limited to, Becker Acroma Care Seal Precat Haps Free FL5312F and Webb Chemical B-Webb 11-155-1 thinner up to 8 hours per week for painting operations, preparation, and general cleaning.

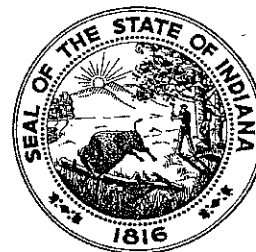
Training was to include the requirements of this section, operations in employees work areas where hazardous chemicals are present; the location and availability of the written hazard communication program including the required list of hazardous chemicals and material safety data sheets required by this section; methods and observations that may be used to detect the presence or release of a hazardous chemical in the workplace; physical and health hazards of the chemicals in the work area; measures employees can take to protect themselves from these hazards including work practices, emergency procedures, and personal protective equipment; and details of the hazardous communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

**Date By Which Violation Must be Abated: 03/20/2013**

**Indiana Department of Labor**

Indiana Occupational Safety and Health  
Administration

**Inspection Number:** 316474964  
**Inspection Dates:** 10/24/2012 -  
01/03/2013  
**Issuance Date:** 02/22/2013



**Safety Order and Notification of Penalty**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825

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

29 CFR 1910.132(d)(2): The employer did not verify the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment:

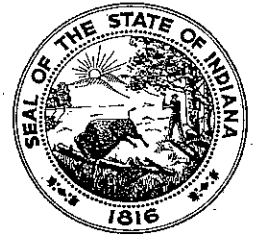
Spray Room - No hazard assessment was performed for employees who worked with chemicals such as, but not limited to, Webb Chemical B-Webb 11-155-1 thinner (55-60% toluene) and Virtuoso Stain Base ACS-9438-1 (24.2% n-butyl acetate) to determine if the nitrile gloves or invisible hand protection worn by employees was sufficient.

**Date By Which Violation Must be Abated:** 03/20/2013  
**Proposed Penalty:** \$ .00

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

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street  
Room W195  
Indianapolis, IN 46204-2751  
Phone: 317/232-1979; Fax: 317/233-8509



**INVOICE/DEBT COLLECTION NOTICE**

**Company Name:** Aristoline Cabinets, Inc.  
**Inspection Site:** 5803 Industrial Road, Fort Wayne, IN 46825  
**Issuance Date:** 02/22/2013

**Summary of Penalties for Inspection Number 316474964**

Safety Order 01, Serious	=	\$12,600.00
Safety Order 02, Nonserious	=	\$0.00
<b>Total Proposed Penalties</b>		<b>\$12,600.00</b>

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, General Industry

Date

2/22/13