FILE NAME: Westinghouse (WH)

DATE: 1989 Nov

DOC#: WH086

DOCUMENT DESCRIPTION: OSHA Citations from the Minnesota Dept of Labor

OSHA cites Thermo-
Kinigen MN,
asb. exposed,
friable -
1989

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date	4. Inspection Number
11/16/89	107761439
5. Reporting ID 0532700	6. Insp. Type PSCA
7. Optional Report No. 07789	8. Page No. 8 of 10

10. Inspection Date(s)
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

9. To
Therao King Co.

314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Department of Labor and Industry, Commissioner at the address shown above. You have the right to contest any or all parts of either the citations or the proposed penalties or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citation(s) and proposed penalties. If you wish to contest you must submit a letter to the Department Commissioner at the address shown above within 15 working days after receipt of the certified mail notice containing proposed penalties. If you choose not to contest the citation and penalties, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666 subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated / 14. Description	15. Date By Which Violation Must Be Abated	16. Penalty
0 Minn. Rules 5205.1020 subp.1(1987): The employer did not implement an entry permit system, develop written operating and rescue procedures, and conduct worker training before any worker was allowed to enter a confined space: For maintenance employees allowed to enter confined spaces such as manholes and the vapor degreasers.	12/18/89	0.00
1 29 CFR 1910.133(a)(1): Protective eye and face equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment: Splash protection for face and eyes was not available and used by employees when servicing and charging forklift batteries	12/04/89	0.00
2 Minn. Rules 5205.0710 (1987): Oxygen and acetylene hoses were used as a substitute for a service piping outlet in the 04 assembly area.	Immediately Upon Receipt	0.00

17. Director's Signature: Peter M. Clark

Last Pg

You are required to post a copy of this Citation at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations listed therein are corrected or for 15 days whichever is longer.

Date Penalty or Final Order Received

RIGHTS OF EMPLOYEES

Each employee or representative of an employee who believes that the citation, the length of abatement of the proposed penalty, or other date(s) that any period of time listed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Department Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this citation.

No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Monday through Friday but does not include Saturdays, Sundays or State holidays.

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
Paul MN 55155-4307

[redacted]

2. Issuance Date	3. Inspection Number
11/15/89	107741639
4. Reference ID 0532700	5. OSHA ID A5611
7. Optional Report No. 07789	8. Page No. 7 of 10

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s)
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

9. To
Theres King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalty(ies) listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Department of Labor and Industry, Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies) or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citation(s) and proposed penalties. If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the certified mail notice stating proposed penalty(ies). If you choose not to contest the citation and penalty(ies), they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666, subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
3 / 29 CFR 1910.169(b)(3)(i):	Compressed air receiver(s) were not equipped with one or more spring-loaded safety valves: The portable air receiver in the Maintenance Area.	Immediately Upon Receipt	0.00
4 / 29 CFR 1910.217(b)(7)(ii):	Mechanical power press(es) using part revolution clutches were not provided with a red color stop control, which would immediately deactivate the clutch and apply the brake, override any other control, and require use of the operating (tripping) means selected to reactivate the clutch: The red stop control button was broken on the 60 ton, part revolution Niagara Punch Press.	12/18/89	0.00

17. Director's Signature: Peter M. Clark

18. Last Pg

Total Penalty for This Citation

State Check or Money Order Payable to "Minnesota Department of Labor and Industry"

Indicate Inspection Number on Remittance

The law requires that a copy of this Citation be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations described therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry, at the address shown above within 15 working days of the issuance of this citation.

No employees shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or herself of any right afforded by this Act. Section 5, subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or State Holidays.

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Reporting ID 0552700	6. Case ID [illegible]
7. Optional Report No. 07/89	8. Page No. 8 of 10

10. Inspection Date(s)
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

8. To
Therso King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalty(ies) listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and state holidays) from your receipt of this Citation you mail a letter of contest to the Department of Labor and Industry, Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies) or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citation(s) and proposed penalty(ies). If you wish to contest, you must submit a letter to the Department Commissioner at the address shown above within 15 working days after receipt of the contest mailing notice regarding proposed penalty(ies). If you choose not to contest the citation and penalty(ies), they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666, subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
15 Minn. Rules 5205.0660 Subp.3(1987):	Exposed, friable asbestos-containing materials were not repaired, replaced, removed, enclosed, or encapsulated: Friable asbestos was exposed on the piping above the assembly work area and aisleway. Abatement Guidelines: Precautions shall be taken to protect employees as required by 29 CFR 1926.58.	01/22/90	0.00
16 29 CFR 1910.107(g)(2):	Spraying area(s) were not kept free from the accumulation of deposits of combustible residues: Overspray had been allowed to accumulate in the radiator black paint spray booth.	11/27/89	
17 29 CFR 1910.107(b)(9):	A clear space of not less than 3 feet was not kept free from storage on all sides of spray booths: The Touchup spray booth had materials stored along the sides.	11/27/89	

17. Director's Signature: Peter M. Clark

18. Last Page

The law requires that a copy of this citation shall be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The copy must remain posted until the alleged violations listed therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Department Commissioner of the Department of Labor and Industry at the address shown above within 15 working days* of the issuance of this citation.

The employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act. Section 5 subd. 6 of the Minnesota Occupational Safety and Health Act of 1973.

*Under the Minnesota Occupational Safety and Health Act the term "working day" means Mondays through Fridays but does not include Saturdays, Sundays or State holidays.

CITATION AND NOTIFICATION OF PENALTY — ORIGINAL — MNOSHD 2 (Rev. 7/89)

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
143 Lafayette Road
St. Paul, MN 55155-4307

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Reporting ID 0552700	6. OSHA ID MS611
7. Optional Report No 07/89	8. Page No 10 of 10

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s)
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

8. To
Therac King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Department Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalties, or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest you must submit a letter to the Department Commissioner at the address shown above within 15 working days after receipt of the certified mail notice regarding proposed penalties. If you choose not to contest the citation and penalties, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice. MS § 182.666 Subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
01)	In the Sheetmetal Area near the Bouroughs automatic punch press.		
02) 29 CFR 1910.158(c)(1):	The fire hose on Line 84 was not properly stored and was crimped by the hose cabinet causing possible damage to the hose and did not assure prompt use in the event of fire.	11/27/89	0.00

17. Director's Signature: Peter M. Clark

18. $ 156.00 — Total Penalty for This Citation

Make Checks or Money Order Payable to "Minnesota Department of Labor and Industry"

Indicate Inspection Number on Remittance

The law requires that a copy of this citation shall be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations listed therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Department Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this citation.

The employer shall be discharged or in any way discriminated against because such employer has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employer on behalf of himself or others of any right afforded by this Act. Section 5 subd 8 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or State Holidays.

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Report ID 0532700	6. OSHA PA611
7. Optional Report No 07789	8. Page No 1 of 10

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

1. Type of Violation(s)	2. Citation Number
Nonserious	02

10. Inspection Dates:
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

3. To
Therao King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalty(ies) listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you, file a letter of contest to the Deputy Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies), or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the certified mail notice regarding proposed penalty(ies). If you choose not to contest the citation and penalty(ies), they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666 Subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
18 29 CFR 1910.184(i)(9)(iv):	Synthetic web sling(s) with broken or worn stitches were not immediately removed from service: The 2" nylon web slings in the Assembly Area.	Immediately Upon Receipt	0.00
19 29 CFR 1910.305(g)(1)(iii):	Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (e) of this paragraph: One fourplex outlet box powered by a flexible cord located in the HF Fan Assembly Area was being used as sustitute for fixed wiring and was attached to building surfaces.	12/18/89	0.00
20 29 CFR 1910.95(i)(2)(i):	The wearing of hearing protectors was not ensured for employees exposed to sound levels exceeding those listed in Table G-16 of 29 CFR 1910.95 as required by 29 CFR 1910.95(b)(1): The wearing of hearing protection was not enforced: a) The Unit Testing Area.	Immediately Upon Receipt	0.00

17. Director's Signature: Peter M. Clark

Last Pg

Total Penalty for This Citation

The law requires that a copy of this citation shall be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until the alleged violations described therein are corrected or for 15 days, whichever is longer.

Make Checks or Money Order Payable to Minnesota Department of Labor and Industry

Indicate Inspection Number on Remittance

RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in the citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this citation.

No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or instituted or testified in any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or State Holidays.

IN RE: ABRAMS DECEMBER 1992

STATE OF MINNESOTA
Occupational Safety and Health Division
444 Lafayette Road
St. Paul, Minnesota 55101

Invoice 1

COMPANY NAME:
THERMO KING
Bloomington

CITATION ID:
M5611 077-89 MW (107741639)

PENALTY BREAKDOWN

Serious	$	1546.00
Non-Serious	$	156.00
Repeated	$	
FTA	$	
Willful	$	
[TOTAL DUE]	$	1702.00

[AMOUNT DUE:]
$ 1702.00

TO INSURE PROPER CREDIT

PLEASE RETURN THIS STUB

WITH YOUR PAYMENT.

Lloyd West, Safety/Trng. Supervisor
THERMO KING
314 East 90th
Bloomington, MN 55420

MAKE CHECKS PAYABLE TO: DEPARTMENT OF LABOR AND INDUSTRY

LI-70052-01 (12 86)

LI-70052-01 (12 86)

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Reporting ID 0552700	6. Case ID 85611
7. Optional Report No 07/89	8. Page No 5 of 10

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Dates:
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

a. To
Thermo King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalty(ies), listed below, are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Deputy Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies), or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the certified mail notice regarding proposed penalty(ies). If you choose not to contest the citation and penalty(ies), they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666 subdivision 7 of the Act states, "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date By Which Violation Must Be Abated	16. Penalty
a	29 CFR 1910.215(b)(9): The distance between the abrasive wheel peripheries and adjustable tongue or the end of the safety guard peripheral member at the top exceeded one-fourth inch: a) The Dare 6" grinder in the test area was not provided with tongue guards. b) The US Electrical Tool 6" grinder in the test area had openings between the wheel and the guard that exceeded 1/4".	12/18/89	0.0
b	29 CFR 1910.217(e)(3): Original and continuing competence of personnel maintaining mechanical power press(es) was not insured: For employees tht care for, inspect and maintain power presses.	12/18/89	

17. Director's Signature: Peter M. Clark

18. Last Pg

The law requires that a copy of this citation shall be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until the alleged violations listed therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable, has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry, at the address shown above within 15 working days of the issuance of this citation. The employer shall be notified of any such contest and the employee has had any complaint or interest in or caused to be instituted any proceeding for inspection under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

"Under the Minnesota Occupational Safety and Health Act the term 'Working Day' means Mondays through Fridays but does not include Saturdays, Sundays or State holidays."

TO:

Lloyd West, Safety/Trng. Supervisor
THERMO KING
314 East 80th
Bloomington, MN 55420

SEND REPORTS TO:

DEPARTMENT OF LABOR & INDUSTRY
MINNESOTA OSH DIVISION
443 LAFAYETTE ROAD
ST. PAUL, MN. 55155-4307

Subject: Citation(s) for Alleged Occupational Safety and Health Violation(s)

An inspection of a place of employment under your operation, ownership, or control has resulted in the enclosed citation(s) which describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. These conditions must be corrected on or before the date shown on the right of each of the alleged violations and proposed penalties must be paid to the Minnesota Department of Labor and Industry within fifteen working days (exclusive of Saturdays, Sundays and official State holidays) from the receipt of this citation unless you contest the citation.

The Act requires that a copy of the enclosed citation(s) and proposed penalty(ies) be prominently posted at or near each place a violation referred to in the citation occurred. It must be posted immediately upon receipt and must remain posted until all violations cited therein are corrected, or for 15 days, whichever period is longer.

You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies) or both before the Occupational Safety and Health Review Board, an independent quasi-judicial agency. If you wish to contest you must submit a letter to the Director of the Occupational Safety and Health Division within fifteen working days from receipt of this citation.

Alleged violations that are not contested shall be corrected and penalty(ies) paid within the abatement period specified in the citation. A follow-up inspection may be made for the purpose of ascertaining that the employer has posted the citation(s) as required by the Act and corrected the alledged violations. Failure to correct an alleged violation within the abatement period may result in further proposed penalties for each day the alleged violation has not been corrected.

Correction of alleged violations which have an abatement period of thirty days or less shall be reported in writing to the Director no later than the latest abatement date (of thirty days or less) for all such violations. Reports of corrections should show specific corrective action on each such alleged violation and the date of such action. On alleged violations having an abatement date of more than thirty days, a written progress report shall be submitted each thirty days or as indicated on the progress report form. The progress report should detail 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, the Director shall be so advised. The Act provides that whoever knowingly gives false information is subject to a fine up to $20,000, imprisonment up to 6 months, or both (Minn. Stat. 182.667, subd. 1).

If you require clarification concerning the results of the inspection or any additional information, please direct your correspondence to the Director of the Occupational Safety and Health Division. Such request cannot extend the fifteen working day period allowed for filing a notice of contestation.

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
Occupational Safety and Health Division

By Director Peter McClure

Date November 16, 1989

PLAINTIFF'S EXHIBIT
Hearing No. 8112
WH 49

EXHIBIT
PLAINTIFF'S
WH 49
Hearing No. 8112

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Report ID 0532700	6. OSHA ID MS611
7. Optional Report No. 07789	8. Page No. 1 of 3

1. Type of Violation(s)	2. Citation Number
Serious	01

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s): 10/24/89 - 10/31/89

11. Inspection Site:
314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

9. To:
Therao King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below, and pay the penalties proposed, unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Deputy Commissioner at the address shown above. You have the right to contest any or all parts of either the citations or the proposed penalties, or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the certified mail notice explaining proposed penalties. If you choose not to contest the citation and penalties, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice. Minn. Stat. § 182.666, subdivision 7 of the Act states: "All penalties collected under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date By Which Violation Must Be Abated	16. Penalty
1	29 CFR 1910.217(c)(1)(i): The employer did not provide and ensure the usage of "point of operation guards" or properly applied point of operation devices on every operation performed on mechanical power presses: a) The hands-in-die feeding of the Niagara 300 ton, part revolution punch press operated by a foot control. b) The Bourough automatic punch press in the sheet metal area.	12/18/89	520.00
2	29 CFR 1910.212(a)(3)(ii): Points of operation of machinery were not guarded to prevent employees from having any part of their body in the danger zones during operating cycles: a) The Verson 3 ton press brake. b) The Chicago 60 ton press brake	01/02/90	325.00

17. Director's Signature: Peter M. Clark

18. Last Pg

The employer must post a copy of this Citation at or near each place that an alleged violation referred to in the Citation occurred. The Citation must remain posted until the violations listed are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees may request that OSHA contest the citations, the type of violation or the proposed penalty, or may believe that any period of time fixed in this Citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this Citation.

No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5, subd. 8 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Days" means Mondays through Fridays but does not include Saturdays, Sundays or State holidays.

Mail Penalty To: The Order

Make Checks or Money Order Payable to "Minnesota Department of Labor and Industry"

Indicate Inspection Number on Remittance

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Report ID 0552700	6. Office 7619
7. Original Report No. 07789	8. Page No. 2 of 3

1. Type of Violation(s)	2. Citation Number
Serious	01

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Dates: 10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

9. To
Therao King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you file a letter of contest to the Default Commissioner at the address shown above. You have the right to contest any or all parts of either the citations or the proposed penalties, or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest you must submit a letter to the Default Commissioner at the address shown above within 15 working days after receipt of the determination notice regarding proposed penalties. If you choose not to contest the citation and penalties, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

(MS § 182.666 subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office.")

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty

c) The Whitney Rockford Hydraulic Punch Press

3 — 12/18/89 — 285.0

29 CFR 1910.217(d)(9)(i): The employer did not establish a die setting procedure for mechanical power press(es) that would ensure compliance with 29 CFR 1910.217(c): For all punch press operators and other employees performing die set up.

4 — 12/04/89 — 88[illegible]

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision: The door of the 830 Battery Charger in the B Warehouse ws broken and did not guard against contacting live electrical parts.

17. Director's Signature: Peter M. Clark — 18. Last P[illegible]

The employer or his agent shall prominently post a copy of this citation at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until the alleged violations listed therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees may within 15 working days of the issuance of the proposed penalty or any part thereof or any abatement date fixed in the citation, if the employer is unreasonable, has the right to contest any or all of these matters by submitting a letter to the Default Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this citation.

No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

*Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Monday through Friday but does not include Saturdays, Sundays or State holidays.

ORIGINAL

MNOSHD-2 (Rev. 7-85)

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Reporting ID 0552700	6. OSHA ID MN611
7. Optional Report No 07789	8. Page No 3 of 3

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

1. Type of Violation(s)	2. Citation Number
Serious	01

10. Inspection Dates
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

9. To
Thermo King Co.

314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation and notice you file a letter of contest with the Department of Labor and Industry, Commissioner at the address shown above. You have the right to contest any or all parts of either the citations or the proposed penalties or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest, you must submit a letter to the Department of Labor and Industry, Commissioner at the address shown above within 15 working days after receipt of the contested citation and notice of proposed penalties. If you choose not to contest the citation and penalties, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of the penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666, subdivision 2 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county, where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date By Which Violation Must Be Abated	16. Penalty
1	29 CFR 1910.213(d)(1): Circular hand-fed crosscut table saws 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: A blade guard was not provided for the Rockwell/Delta Table Saw in the Experimental Department.	12/04/89	208.00

17. Director's Signature: Peter M. Clark

18. $ 1546.00

If you do not file a notice of contest or if you fail to correct the alleged violation or abatement date for each alleged violation, or if the citation becomes a final order after appeal, the penalties for uncorrected violations may be increased by as much as ten times the original proposed penalty up to $7,000 for each violation.

RIGHTS OF EMPLOYEES

Each employee has the right to file a signed written request with the Commissioner of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155-4307, requesting that an employee representative conduct an inspection if the employee believes a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists. Any employee or representative of employees who believes that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by sending a written notice to the Department of Labor and Industry, Commissioner at the address shown above within 15 working days of the issuance of this citation. The employee or representative of employees who files a request for an inspection may be notified by the Commissioner of Labor and Industry, or the Commissioner's authorized representative, of the results of the inspection and of the decision not to make an inspection or to defer it. Such notification shall be in writing if requested by the employee or representative of employees.

The Commissioner of Labor and Industry or the Commissioner's authorized representative shall make an inspection as soon as practicable to determine if such violation or danger exists. The Commissioner of Labor and Industry or the Commissioner's authorized representative is authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer, owner, operator, agent or employee.

Any employer who fails to correct a violation for which a timely notice of contest has been received by the Commissioner of Labor and Industry within the time permitted for its correction, may be assessed a civil penalty of up to $7,000 for each day during which such failure or violation continues. Any employer who willfully or repeatedly violates the requirements of Section 5 of the Minnesota Occupational Safety and Health Act of 1973, or any standard, rule or order promulgated pursuant to Section 5, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of up to $70,000 for each violation, but only up to $5,000 for each violation that is not willful or repeated.

Any employer who fails to comply with a final order issued by the Commissioner of Labor and Industry under the provisions of Section 182.661 of the Minnesota Occupational Safety and Health Act of 1973 may be assessed a civil penalty of up to $7,000 for each violation.

Any employer who willfully violates any standard, rule or order promulgated pursuant to Section 5 of the Minnesota Occupational Safety and Health Act of 1973, or of any variance, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than $20,000 or by imprisonment for not more than one year, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than $50,000 or by imprisonment for not more than one year, or by both.

Any employer who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the Act or this rule shall be punished by a fine of not more than $10,000 or by imprisonment for not more than six months, or by both.

Any employer who fails to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Review Board in the case of any review proceeding under section 182.661 initiated by the employer in good faith and not solely for delay or avoidance of penalties) may be assessed a civil penalty of up to $7,000 for each day during which the failure or violation continues.

Any employer who discharges or in any way discriminates against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Monday through Friday but does not include Saturdays, Sundays or State holidays.

Notice Posted at the Establishment Before the Opening of Conference

CITATION AND NOTIFICATION OF PENALTY — ORIGINAL — MNOSHA 2 Rev. 7/89

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Reporting ID 0552700	6. OSHA PS611
7. Optional Report No 07789	8. Page No 1 of 10

10. Inspection Date(s): 10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

9. To
Theres King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Labor Commissioner at the address shown above. You have the right to contest any or all parts of either the citations or the proposed penalties, or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest, you must submit a letter to the Labor Commissioner at the address shown above within 15 working days after receipt of the certified mail notice regarding proposed penalties. If you choose not to contest the citation and penalties, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MNS § 182.666 Subdivision 2 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1910.217(e)(1)(ii): Mechanical Power presses were not inspected and tested weekly to determine the condition of the clutch/brake mechanism, anti-repeat feature, and/or single stroke mechanism.	11/27/89	0.00
2	29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and/or body were not provided within the work area for immediate emergency use: a) In the Boiler Room where corrosive chemicals are dispensed. b) In the Battery Charging Area in the Maintenance Shop.	12/18/89	150.00

17. Division Signature: Peter M. Clark

18. Last Page

The employer must post a copy of this citation at or near each place that an alleged violation referred to in the citation occurred. The copy must remain posted until the violation is corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of an employee who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time set in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Labor Commissioner of the Department of Labor and Industry at the address shown above within 15 working days* of the issuance of this citation.

No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or testified or is about to testify in any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5 subd. 8 of the Minnesota Occupational Safety and Health Act of 1973.

*Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or State holidays.

Penalties Due Within 30 Days of Receipt of This Notification Unless Contested

See Penalty on the Front of This Citation

Make Checks payable to "Minnesota Department of Labor and Industry"

Indicate Inspection Number on Remittance

CITATION AND NOTIFICATION OF PENALTY — ORIGINAL — MNOSHD 2 (Rev. 7-87)

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Reporting ID 0332700	6. SIC or NAICS 3511
7. Occupat. Report No 07789	8. Page No 2 of 10

Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

1. Type of Violation(s)	2. Citation Number
Nonserious	02

10. Inspection Date(s): 10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

9. To
Therao King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalty(ies) listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Deputy Commissioner at the address shown above. You have the right to contest any or all parts of either the citations or the proposed penalty(ies), or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the certified mail notice containing proposed penalty(ies). If you choose not to contest the citation and penalty(ies) they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666 subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws: a) Trouble lights throughout the plant. b) The power cord on the MOJO power tester.	12/18/89	0.00
2	29 CFR 1910.108(f)(1): Area(s) in the vicinity of dip tank(s) were not kept entirely free of combustible debris: The floor of the dip tank room was covered with varnish soaked cardboard.	12/04/89	0.00
3	29 CFR 1910.106(d)(4)(i): The grated trench used for spill drainage for the flammable liquid storage room and dip tank area, did not drain to a safe location.	12/18/89	0.00

17. Director's Signature: Peter M. Clark

18. Last Page

The law requires that a copy of this Citation shall be prominently posted at or near each place that an alleged violation referred to in the Citation occurred. The Citation must remain posted until all alleged violations listed therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this Citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this Citation.

No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify, or any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5 subd. 8 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or State holidays.

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date	4. Inspection Number
11/16/89	107741639
5. Receipt ID: 0532700	6. OSHA: [illegible]
7. Debtor's Report No: 07789	8. Page No: 3 of 10

10. Inspection Date(s): 10/24/89 - 10/31/89

11. Inspection Site:
314 W. 90th St.
Bloomington, MN 55420

To:
Theras King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Deputy Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalties, or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citation(s) and proposed penalties. If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the certified mail notice regarding proposed penalties. If you choose not to contest the citation and penalties, they shall be determined to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice. MS § 182.666 subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date By Which Violation Must Be Abated	16. Penalty
6	The alleged violations below have been grouped because they involve similar or related hazards which may increase the potential for injury resulting from an accident.	12/18/89	0.0

29 CFR 1910.219(d)(1) & (e)[(1)(i) or (2)(i) or (3)(i)]: Pulley(s) with parts seven feet or less from the floor or work platform and component belt(s) were not guarded in accordance with the requirements specified at 29 CFR 1910.219 (a)&(e): The Wells Metal Cutting Band Saws located in the Tool and Die Department and in the Maintenance Department did not have guards totally enclosing the belts and pulleys.

17. Director's Signature: Peter M. Clark

Last Pg.

The law requires that a copy of this citation shall be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until the alleged violations listed therein are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of an employee who believes that a violation of the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this citation.

The employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding for inspection under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee or behalf of himself or others of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Monday through Friday but does not include Saturday, Sunday or State holiday.

Minnesota Department of Labor and Industry

Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307

Citation and Notification of Penalty

3. Issuance Date	4. Inspection Number
11/16/89	107741439
5. Reference ID 0352700	6. Insp. ID 765171
7. Optional Report No 07/89	8. Page No 1 of 10

1. Type of Violation(s)	2. Citation Number
Nonserious	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s)
10/24/89 - 10/31/89

11. Inspection Site
314 W. 90th St.
Bloomington, MN 55420

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested

8. To
Therso King Co.

314 W. 90th St.
Bloomington, MN 55420

This Citation describes alleged violations of the Minnesota Occupational Safety and Health Act of 1973. The proposed penalties, listed below are based on these alleged violations. You must correct the alleged violations referred to in this Citation by the date listed below and pay the penalties proposed unless within 15 working days (excluding weekends and legal holidays) from your receipt of this Citation you mail a letter of contest to the Deputy Commissioner at the address shown above. You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies), or both, before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you wish to contest you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days after receipt of the contest mailing notice regarding proposed penalty(ies). If you choose not to contest the citation and penalty(ies), they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown above is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry." Payment of penalties should be remitted to the Occupational Safety and Health Division at the address shown within 15 working days following receipt of this notice.

MS § 182.666, subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date By Which Violation Must Be Abated	16. Penalty
		12/18/89	0.00

29 CFR 1910.212(a)(3)(ii): Points of operation of machinery were not guarded to prevent employees from having any part of their body in the danger zones during operating cycles:

a) The opening in the guard was too large on the Speed-O-Matic bench clap press in the electrical area.

b) The work envelope of the Unimate Robot Welder was not guarded to prevent entry by the operator.

c) The unused points of operation on the Wysong 300 Iron Worker in the sheet metal area.

17. Director's Signature: Peter M. Clark

18. Last Pg

Where there is no employee representative, a copy of this citation shall be prominently posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations listed thereon are corrected or for 15 days, whichever is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days of the issuance of this citation.

No employees shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or herself of any right afforded by this Act. Section 5 subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

Under the Minnesota Occupational Safety and Health Act the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or State holidays.

Keep Penalty in The Division
Make Check or Money Order Payable to Treasurer, State of Minnesota
Indicate Inspection Number on Remittance

IN RE: ABRAMS DECEMBER 1982

STATE OF MINNESOTA
Occupational Safety and Health Division
444 Lafayette Road
St. Paul, Minnesota 55101

Invoice 1

COMPANY NAME:
THERMO KING
Bloomington

CITATION ID:
M5611 077-09 MW (107741639)

PENALTY BREAKDOWN

Serious	$ 1546.00
Non-Serious	$ 156.00
Repeated	$
FTA	$
Willful	$
[TOTAL DUE]	$ 1702.00

[AMOUNT DUE:]
$ 1702.00

TO INSURE PROPER CREDIT

PLEASE RETURN THIS STUB

WITH YOUR PAYMENT

Lloyd West, Safety/Trng. Supervisor
THERMO KING
314 East 90th
Bloomington, MN 55420

MAKE CHECKS PAYABLE TO: DEPARTMENT OF LABOR AND INDUSTRY

LI-70052-01 (12 861)

LI-70052-01 (12 861)