

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1310 W. Clairemont Avenue  
Eau Claire, WI 54701  
Phone: 715-832-9019 Fax: 715-832-1147



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## Citation and Notification of Penalty

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**To:**  
Curt Manufacturing, LLC  
6208 Industrial Drive  
Eau Claire, WI 54701

**Inspection Number:** 97672  
**Inspection Date(s):** 08/16/2011 - 08/19/2011  
**Issuance Date:** 01/13/2012

**Inspection Site:**  
6208 Industrial Drive  
Eau Claire, WI 54701

*The violation(s) described in this Citation 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.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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 U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/13/2012. The conference will be held at the OSHA office located at 1310 W. Clairemont Avenue, Eau Claire, WI 54701 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 97672**

Company Name: Curt Manufacturing, LLC  
Inspection Site: 6208 Industrial Drive, Eau Claire, WI 54701  
Issuance Date: 01/13/2012

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1310 W. Clairemont Avenue, Eau Claire, WI 54701**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666.(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701

**Citation 1 Item 1a** Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

(a) Throughout the facility; Machine specific lockout / tagout procedures were not developed for certain machines with multiple stored energy sources, such as, but not limited to;

1. The 100 ton Accurpress hydraulic press brake
2. The Yuh-dak horizontal injection mold machines

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/14/2012  
Proposed Penalty: \$7000.00

**Citation 1 Item 1b** Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii)(B): The energy control procedures did not clearly and specifically outline procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

(a) Throughout the facility; Machine specific energy control procedures did not specifically outline all the procedural steps or stored energies included, such as, but not limited to;

1. The machine specific lockout procedures for the Wysong THS 100-120 hydraulic press did not outline the procedural steps for the insertion and removal of the die safety block.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/03/2012



**Citation and Notification of Penalty**

**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701

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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

- (a) Throughout the facility; Annual lockout procedures were not inspected at least annually.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/28/2012  
Proposed Penalty: \$7000.00

**Citation 1 Item 3a** Type of Violation: **Serious**

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

- (a) Throughout the facility; Employees conducted maintenance tasks and did not lockout the machines, such as, but not limited to;

1. Employees conducted die changes on Wysong, Mebusa and Accurpress press brakes and did not lockout the machines.
2. Employees conducted saw blade changes on HE & M band saws and used a key switch to lockout the machines. The employer did not know if the key switch was an energy isolation device or control circuitry.
3. Employees conducted mold changes on Yuh-dak horizontal injection molding machines, and did not lockout the machines.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/23/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701

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**Citation 1 Item 3b** Type of Violation: **Serious**

29 CFR 1910.147(d)(6): Prior to starting work on machines or equipment that had been locked out or tagged out, the authorized employee did not verify that isolation and deenergization of the machine or equipment had been accomplished:

(a) Throughout the facility; Machine specific energy control procedures did not include procedural steps for verifying the isolation and deenergization of stored energies present, such as, but not limited to;

1. The Wysong THS 100-120 hydraulic press machine specific lockout procedures did not include procedural steps for verifying the isolation and deenergization of stored mechanical and hydraulic energies.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/14/2012

**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

(a) Throughout the facility; Machine guarding was not provided to keep employees body parts away from the operational danger zone, such as, but not limited to;

1. A YLM tube bending machine in the saw department did not have point of operation guarding to keep employees out of the operational cycle danger zone.
2. An Elliis band saw in the saw department did not have the blade guard at the point of operation adjusted to the minimum distance to keep employees body parts out of the danger zone.





**Citation and Notification of Penalty**

**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701

3. An Accurpress 100 ton press brake in the first market area did not have barrier guards for the backside of the machine.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/03/2012  
Proposed Penalty: \$7000.00

**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(iii): Special hand tools for placing and removing material did not permit easy handling of material without the operator placing a hand in the danger zone.

(a) Fabrication department; Special hand tools, provided for the fabrication department, were ineffective for employees to hold the thickness, size and weight of the materials being fabricated.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/14/2012  
Proposed Penalty: \$7000.00

**Citation 2 Item 1** Type of Violation: **Willful - Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

(a) On or about July 25, 2011, the employer assigned work and had employees exposed to amputation hazards, while operating an unguarded Accurpress press brake. An employee had a partial thumb amputation while operating an unguarded hydraulic press brake.

(b) On or about July 25, 2011, the employer continued to assign work and had employees



**Citation and Notification of Penalty**

**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701

exposed to amputation hazards, while operating an unguarded Accurpress press brake.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/14/2012  
Proposed Penalty: \$70000.00

**Citation 3 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

(a) Throughout the facility; Employees voluntarily used respirators and the employer did not provide 29 CFR 1910.146 Appendix D information to the employees.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/03/2012  
Proposed Penalty: \$.00

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 97672  
**Inspection Date(s):** 08/16/2011 - 08/19/2011  
**Issuance Date:** 01/13/2012



**Citation and Notification of Penalty**

**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701

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Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

(a) Powder line; Employees entered the shot blaster, which had a restricted means of entry and exit, and it was not determined if it was a confined space.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

02/14/2012  
\$.00

A handwritten signature in black ink, appearing to read "Mark Hysell", written over a horizontal line.

**Mark Hysell**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1310 W. Clairemont Avenue

Eau Claire, WI 54701  
Phone: 715-832-9019 Fax: 715-832-1147



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Curt Manufacturing, LLC  
**Inspection Site:** 6208 Industrial Drive, Eau Claire, WI 54701  
**Issuance Date:** 01/13/2012

<b>Summary of Penalties for Inspection Number</b>	<b>97672</b>
<b>Citation 1, Serious</b>	<b>\$35000.00</b>
<b>Citation 2, Willful - Serious</b>	<b>\$70000.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$ .00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$105000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

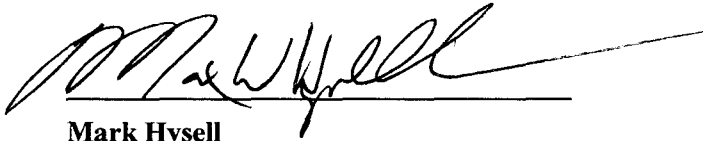
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Mark Hysell**  
Area Director

01/13/12

Date