

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



## Safety Order and Notification of Penalty

**To:**  
Tramec, LLC  
and its successors  
1320 S. Merrifield Ave  
Mishawaka, IN 46544

**Inspection Number:** 1666110  
**CSHO ID:** O9120  
**Optional Report No.:** 13-23  
**Inspection Date(s):** 04/26/2023 - 08/16/2023  
**Issuance Date:** 08/28/2023

**Inspection Site:**  
1320 S. Merrifield Ave.  
Mishawaka, IN 46544

*The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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An inspection of your workplace of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference – Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.**

**Right to Contest –** You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. (“Working days” means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor’s offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

**Indiana Department of Labor**

Indiana Occupational Safety and Health Administration  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 08/28/2023.

The Informal Conference will be held:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: \_\_\_\_\_

Conference ID: \_\_\_\_\_

\_\_\_\_\_ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195  
Indianapolis, Indiana 46204

Meeting/Conference Room: \_\_\_\_\_

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



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

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

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

- a) Machine Shop - Employees were exposed to amputations when they operated the W.F. Wells and Sons, Inc. horizontal bandsaw and the unused portions of the blade were not guarded.
- b) Saw Room - Employees were exposed to amputations when they operated the two DoAll horizontal bandsaws and the unused portions of the blade were not guarded.
- c) Saw Room - Employees were exposed to struck-by injuries when they operated the two Continental tube cutters and the threaded bolts and nuts were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	September 28, 2023
Proposed Penalty:	\$4,200.00

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

**Inspection Number:** 1666110  
**CSHO ID:** O9120  
**Optional Report No.:** 13-23  
**Inspection Date(s):** 04/26/2023 - 08/16/2023  
**Issuance Date:** 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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**Safety Order 1 Item 1 b**    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) Saw Room - Employees were exposed to amputation when they operated the two Continental tube cutters (#431 and #432) with inadequately guarded blades.
- b) Saw Room - Employees were exposed to amputation when they operated the Versa Saw cold saw (#367) with an inadequately guarded saw blade.
- c) Welding and Fabrication Building - Employees were exposed to caught-in hazards when they operated the #29 riveter without guarding.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	September 28, 2023
Proposed Penalty:	\$0.00

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

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**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.213(h)(1): The sides of the lower exposed portion of the blade of radial saw(s) were not guarded to the full diameter of the blade by a device that automatically adjusted itself to the thickness of the stock and remained in contact with the material being cut:

Woodshop - Employees were exposed to amputation when cutting wood for doors when the lower portion of the saw blade for the DeWalt radial arm saw was not guarded.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1,800.00



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

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**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

29 CFR 1910.213(h)(3): Radial saw(s) were not provided with an adjustable stop to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations:

Woodshop - An employee was exposed to amputations when operating the DeWalt radial arm saw when the rotating saw blade could extend approximately 5 inches beyond the edge of the work table.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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

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**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

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

29 CFR 1910.217(b)(7)(v)(a): Each hand control was not protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands was required to trip the press.

- a) Press room - Employees were exposed to crushing injuries when they operated the #3 Niagara Handfed M150 part revolution mechanical power press when the hand controls were located too close together.
- b) Press room - Employees were exposed to crushing injuries when they operated the #2 Niagara M150 part revolution mechanical power press when the hand controls were located too close together.
- c) Press room - Employees were exposed to crushing injuries when they operated the #19 Perkins part revolution mechanical power press without ring guards around its two-hand controls.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: September 28, 2023  
Proposed Penalty: \$4,200.00

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

**Inspection Number:** 1666110  
**CSHO ID:** O9120  
**Optional Report No.:** 13-23  
**Inspection Date(s):** 04/26/2023 - 08/16/2023  
**Issuance Date:** 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

29 CFR 1910.217(b)(13): Control system(s) of mechanical power press(es) were not constructed so that a failure within the system would not prevent the normal stopping action from being applied to the press when required, but would prevent initiation of a successive stroke until the failure is corrected:

- a) Press room - Employees were exposed to crushing injuries when they operated the #3 Niagara Handfed M150 part revolution mechanical power press without control reliability installed.
- b) Press room - Employees were exposed to crushing injuries when they operated the #4 Niagara part revolution mechanical power press without control reliability installed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	September 28, 2023
Proposed Penalty:	\$0.00

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

**Inspection Number:** 1666110  
**CSHO ID:** O9120  
**Optional Report No.:** 13-23  
**Inspection Date(s):** 04/26/2023 - 08/16/2023  
**Issuance Date:** 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

29 CFR 1910.217(b)(14)(ii): Brake system monitoring of mechanical power press(es) was not installed so that it indicated when the performance of the braking system had deteriorated to the extent that the safety distance was not maintained:

- a) Press room - Employees were exposed to crushing injuries while they operated the #3 Niagara Handfed M150 part revolution mechanical power press without a brake monitoring system installed.
- b) Press room - Employees were exposed to crushing injuries while they operated the #4 Niagara part revolution mechanical power press without a brake monitoring system installed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: September 28, 2023  
Proposed Penalty: \$0.00



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

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

29 CFR 1910.217(c)(2)(i): The employer did not ensure that every mechanical power press point of operation guard met the following design, construction, application, and adjustment requirements in items a-f:

- a) Press room - Employees were exposed to crushing injuries when they operated the #20 Aida part revolution mechanical power press set on continuous mode with inadequate point of operation machine guarding. The pin guards were easily adjusted, and there was an opening in the guard that allowed access to the point of operation.
- b) Press room - Employees were exposed to crushing injuries while they operated the # 36 Bliss part revolution mechanical power press with inadequate point of operation machine guarding. The guarding was easily adjustable.
- c) Press room - Employees were exposed to crushing injuries while they operated the #25 Walsh Press and Die Company full revolution mechanical power press with an inadequate point of operation machine guarding with the control panel set to foot. The pin guards were easily adjustable and the front left had an opening that allowed access to the point of operation.
- d) Press room - Employees were exposed to crushing injuries while they operated the #12 Johnson Machine and Press Corporation full revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, opening allowed access to the point of operation, and the back of the press was not guarded.
- e) Press room - Employees were exposed to crushing injuries while they operated the #22 CMC Clearing part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and swung open and had an opening that allowed access to the point of operation.
- f) Press room - Employees were exposed to crushing injuries while they operated the #3 Niagara Handfed M150 part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, easily removable, and swung open.
- g) Press room - Employees were exposed to crushing injuries while they operated the #4 Niagara part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and swung open.



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

**Company Name:** Tramec, LLC

**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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- h) Press room - Employees were exposed to crushing injuries while they operated the #2 Niagara M- 150 mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, easily removable, and swung open.
- I) Press room - Employees were exposed to crushing injuries while they operated the #38 Niagara B1-4 full revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, easily removable, and swung open. Guarding was able to be reached over and into the point of operation.
- j) Press room - Employees were exposed to crushing injuries while they operated the #40 Russell part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and openings were present that allowed access to the point of operation.
- k) Press room - Employees were exposed to crushing injuries while they operated the #6 L & J full revolution mechanical power press with inadequate point of operation machine guarding. The pin guards are easily adjustable, easily movable, and swung open. There were openings that allowed access to the point of operation. The guards could be reached over to the point of operation.
- l) Press room - Employees were exposed to crushing injuries while they operated the #13 Bliss C-75 full revolution mechanical power press with inadequate point of operation machine guarding. The guard was easily removable with wing nut-type attachments.
- m) Press room - Employees were exposed to crushing injuries they operated the #21 Verson part revolution mechanical power press with inadequate point of operation machine guarding. The opening on the left side of the press was large enough to reach through the guard and the pin guarding was easily adjusted.
- n) Press room - Employees were exposed to crushing injuries when they operated the #39 Rouselle mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and there was an opening in the guard that allowed access to the point of operation.
- o) Press room - Employees were exposed to crushing injuries while they operated the #19 Perkins part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards used for the sides of the press were easily adjusted.

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

**Inspection Number:** 1666110  
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**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
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p) Press room - Employees were exposed to crushing injuries while they operated the #16 Walsh full revolution mechanical power press with inadequate point of operation machine guarding. Openings in the guard allowed access to the point of operation, the guard was not secured to the machine and was easily adjustable.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	September 28, 2023
Proposed Penalty:	\$0.00

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

**Inspection Number:** 1666110  
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**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains that were seven (7) or less feet from the floor or platform were not enclosed:

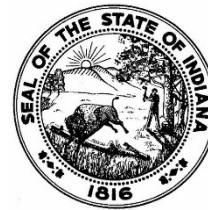
Press room - Employees were exposed to caught-in injuries when they operated the #4 Niagara part revolution mechanical power press that had an unguarded chain and sprocket.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	September 28, 2023
Proposed Penalty:	\$1,800.00

  
Jameson Berry  
IOSHA Director





## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544  
**Issuance Date:** 08/28/2023

**Summary of Penalties for Inspection Number:** 1666110

Safety Order 1 Item 1a, Serious	\$4,200.00
Safety Order 1 Item 1b, Serious	\$0.00
Safety Order 1 Item 2a, Serious	\$1,800.00
Safety Order 1 Item 2b, Serious	\$0.00
Safety Order 1 Item 3a, Serious	\$4,200.00
Safety Order 1 Item 3b, Serious	\$0.00
Safety Order 1 Item 3c, Serious	\$0.00
Safety Order 1 Item 3d, Serious	\$0.00
Safety Order 1 Item 4, Serious	\$1,800.00

**TOTAL PROPOSED PENALTIES:** \$12,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.

  
\_\_\_\_\_  
Jameson Berry  
IOSHA Director

8/28/2023  
\_\_\_\_\_  
Date

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE IOSHA BOARD OF  
SAFETY REVIEW

FILED

APR 23 2024

IN THE MATTER OF THE )  
COMMISSIONER OF LABOR, )  
 )  
Complainant, )  
 )  
v. )  
 )  
TRAMEC LLC, )  
AND ITS SUCCESSORS, )  
 )  
Respondent. )

Indiana Board of  
Safety Review

CASE DOCKET NO. 23-039

ADMINISTRATIVE CAUSE NO.  
DOL-2310-002558

**FINAL ORDER**

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

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

Dated: 4/23/24

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

Copies to:

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

Nick Marcinkowski  
Tramec LLC  
1320 S. Merrifield Ave.  
Mishawaka, IN 46544

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



Filed March 27, 2024

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

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

IN THE MATTER OF: )  
 )  
COMMISSIONER OF LABOR, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
TRAMEC, LLC )  
AND ITS SUCCESSORS, )  
 )  
 Respondent. )

OALP CASE NO. DOL-2310-002558  
BSR DOCKET NO. 23-039

**AGREED ENTRY**

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor (hereinafter "Complainant") and Tramec, LLC (hereinafter "Respondent"), through their duly authorized representatives, desiring to enter into this Agreed Entry as final settlement of this matter, do hereby stipulate and agree as follows:

**PART I.**

1. From April 26, 2023, through August 16, 2023, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent's worksite located at 1320 S. Merrifield Ave., Mishawaka, IN 46544.

2. On August 28, 2023, Complainant issued a Safety Order and Notification of Penalty (hereinafter "Safety Order") resulting from Indiana Department of Labor Inspection No. 1666110 and alleging that Respondent had violated the Indiana Occupational Safety and Health Act (IC 22-8-1.1 *et seq.*) or the standards or rules thereunder. The Safety Order is attached hereto as Exhibit A and is incorporated herein.

3. On or about October 2, 2023, Respondent duly and timely petitioned for review of the Safety Order.

PART II.

4. The Safety Order consists of Safety Order 1, Item Nos. 1a, 1b, 2a, 2b, 3a, 3b, 3c, 3d, and 4.

5. Safety Order 1, Item 1a alleges a "Serious" violation of 29 CFR 1910.212(a)(1) and assesses a shared penalty, grouped with Item 1b, of Four Thousand Two Hundred Dollars (\$4,200).

6. Safety Order 1, Item 1b alleges a "Serious" violation of 29 CFR 1910.212(a)(3)(ii) and assesses no additional penalty to what is assessed in Item 1a.

7. Safety Order 1, Item 2a alleges a "Serious" violation of 29 CFR 1910.213(h)(l) and assesses a shared penalty, grouped with Item 2b, of One Thousand Eight Hundred Dollars (\$1,800).

8. Safety Order 1, Item 2b alleges a "Serious" violation of 29 CFR 1910.213(h)(3) and assesses no additional penalty to what is assessed in Item 2a.

9. Safety Order 1, Item 3a alleges a "Serious" violation of 29 CFR 1910.217(b)(7)(v)(a) and assesses a shared penalty, grouped with Items 3b-d, of Four Thousand Two Hundred Dollars (\$4,200).

10. Safety Order 1, Item 3b alleges a "Serious" violation of 29 CFR 1910.217(b)(13) and assesses no additional penalty to what is assessed in Item 3a.

11. Safety Order 1, Item 3c alleges a "Serious" violation of 29 CFR 1910.217(b)(14)(ii) and assesses no additional penalty to what is assessed in Item 3a.

12. Safety Order 1, Item 3d alleges a "Serious" violation of 29 CFR 1910.217(c)(2)(i)

and assesses no additional penalty to what is assessed in Item 3a.

13. Safety Order 1, Item 4 alleges "Serious" violation of 29 CFR 1910.219(f)(3) and assesses a penalty of One Thousand Eight Hundred (\$1,800).

14. The total assessed penalty for Safety Order 1 is Twelve Thousand Dollars (\$12,000).

PART III.

15. The Safety Order is hereby amended as follows.

16. Safety Order 1, Item 1a is upheld, but the penalty is reduced by 50% to Two Thousand One Hundred Dollars (\$2,100).

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

18. Safety Order 1, Item 2a is upheld, but the penalty is reduced by 50% to Nine Hundred Dollars (\$900).

19. Safety Order 1, Item 2b is upheld in its entirety.

20. Safety Order 1, Item 3a is upheld, but the penalty is reduced by 50% to Two Thousand One Hundred Dollars (\$2,100).

21. Safety Order 1, Item 3b is deleted in its entirety.

22. Safety Order 1, Item 3c is deleted in its entirety.

23. Safety Order 1, Item 3d is upheld in its entirety.

24. Safety Order 1, Item 4 is deleted in its entirety.

25. The AGREED total penalty for all violations and all subparts thereunder, subject to this Agreed Entry, is Five Thousand One Hundred Dollars (\$5,100).

26. In consideration for the penalty reductions given in this agreed entry, Respondent agrees that it has, or will, complete the following enhanced abatement and provide Complainant with proof of each within thirty (30) days of the issuance of a Final Order in this matter:

- a. Tramec's safety policy has been re-written to include, but is not limited to, advanced safety guarding at all Tramec locations by increasing the guard lengths in several areas and re-enforcing the majority of guard positions beyond minimum requirements.
- b. Job Safety Analysis will be done company-wide. Each machine will receive a safety rating and training rating for level of skill and PPE required per piece of equipment.
- c. Every piece of equipment involved in the Safety Order citation from inspection #1666110 has been classified internally as a Category 2 or higher, with Category 4 being the maximum, to identify and maintain the requirement for advanced guarding, and level of PPE and training techniques required to operate.
- d. Tramec will re-write its safety manual to follow the guidelines in each state it operates regarding labor laws and safety, such as OSHA, NIOSH, and NFPA standards. This includes LOTO, fire and other hazard related procedures.
- e. All training metrics for each employee were re-evaluated and they were re-trained in areas they were lacking, including but not limited to, LOTO and guarding.

27. It is understood and agreed by the Respondent and Complainant that this Agreed Entry and attachments will constitute a final, enforceable OSHA Safety Order(s) and penalties for the purposes of the Indiana Occupational Safety and Health Act ("Act").

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

29. If not already identified in the Safety Order and Notification of Penalty as completed



during the inspection, all abatement, including any enhanced abatement identified and agreed upon herein, must still be completed in a timely manner and certified to IOSHA by sending confirmation of abatement, including a detailed description of what was done along with any supporting documentation and photographs, to IOSHA by email to [abatement@dol.in.gov](mailto:abatement@dol.in.gov).

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

PART IV.

31. Nothing contained in this Agreed Entry shall be construed to affect Complainant's interpretation of the Act or any standard or regulation enforced pursuant thereto or the applicable classification thereof.

32. Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by the Respondent shall be deemed an admission by Respondent of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings, and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

33. The invalidity or unenforceability of any section, subsection, clause or provision of this Agreed Entry does not affect the remaining sections, subsections, clauses, or provisions of this Agreed Entry.

34. Respondent, upon full execution of this Agreed Entry, will post this Agreed Entry for three (3) working days or until abatement is completed, whichever period is longer, pursuant to Board of Safety Review Rules of Procedure, 615 IAC 1-2-18(b)(3)(C).

AGREED this 27 day of March 2024.

TRAMEC, LLC

By: Nicholas A. Marcinkowski

Printed: [Signature]

Title: Environmental Health & Safety Manager

COMMISSIONER OF LABOR

By: [Signature]

For: Jameson Berry,  
Director of Health Compliance,  
IOSHA

Approved as to Form:

By: [Signature]

J. Anthony Hardman,  
Counsel for Complainant

## Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



### Safety Order and Notification of Penalty

**To:**  
Tramec, LLC  
and its successors  
1320 S. Merrifield Ave  
Mishawaka, IN 46544

**Inspection Number:** 1666110  
**CSHO ID:** 09120  
**Optional Report No.:** 13-23  
**Inspection Date(s):** 04/26/2023 - 08/16/2023  
**Issuance Date:** 08/28/2023

**Inspection Site:**  
1320 S. Merrifield Ave.  
Mishawaka, IN 46544

*The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

An inspection of your workplace of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference – Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.**

**Right to Contest – You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. (“Working days” means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor’s offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)**

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

**Indiana Department of Labor**  
Indiana Occupational Safety and Health Administration  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204  
Phone: (317) 232-1979 FAX: (317) 233-3790



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 08/28/2023.

The Informal Conference will be held:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: \_\_\_\_\_

Conference ID: \_\_\_\_\_

\_\_\_\_\_ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195  
Indianapolis, Indiana 46204

Meeting/Conference Room: \_\_\_\_\_

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

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

**Inspection Number:** 1666110  
**CSHO ID:** O9120  
**Optional Report No.:** 13-23  
**Inspection Date(s):** 04/26/2023 - 08/16/2023  
**Issuance Date:** 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

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

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

- a) Machine Shop - Employees were exposed to amputations when they operated the W.F. Wells and Sons, Inc. horizontal bandsaw and the unused portions of the blade were not guarded.
- b) Saw Room - Employees were exposed to amputations when they operated the two DoAll horizontal bandsaws and the unused portions of the blade were not guarded.
- c) Saw Room - Employees were exposed to struck-by injuries when they operated the two Continental tube cutters and the threaded bolts and nuts were not guarded.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** September 28, 2023  
**Proposed Penalty:** \$4,200.00



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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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**Safety Order 1 Item 1 b 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) Saw Room - Employees were exposed to amputation when they operated the two Continental tube cutters (#431 and #432) with inadequately guarded blades.
- b) Saw Room - Employees were exposed to amputation when they operated the Versa Saw cold saw (#367) with an inadequately guarded saw blade.
- c) Welding and Fabrication Building - Employees were exposed to caught-in hazards when they operated the #29 riveter without guarding.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: September 28, 2023  
Proposed Penalty: \$0.00

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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

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

29 CFR 1910.213(h)(1): The sides of the lower exposed portion of the blade of radial saw(s) were not guarded to the full diameter of the blade by a device that automatically adjusted itself to the thickness of the stock and remained in contact with the material being cut:

Woodshop - Employees were exposed to amputation when cutting wood for doors when the lower portion of the saw blade for the DeWalt radial arm saw was not guarded.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1,800.00

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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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

29 CFR 1910.213(h)(3): Radial saw(s) were not provided with an adjustable stop to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations:

Woodshop - An employee was exposed to amputations when operating the DeWalt radial arm saw when the rotating saw blade could extend approximately 5 inches beyond the edge of the work table.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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

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

29 CFR 1910.217(b)(7)(v)(a): Each hand control was not protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands was required to trip the press.

a) Press room - Employees were exposed to crushing injuries when they operated the #3 Niagara Handfed M150 part revolution mechanical power press when the hand controls were located too close together.

b) Press room - Employees were exposed to crushing injuries when they operated the #2 Niagara M150 part revolution mechanical power press when the hand controls were located too close together.

c) Press room - Employees were exposed to crushing injuries when they operated the #19 Perkins part revolution mechanical power press without ring guards around its two-hand controls.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

September 28, 2023  
\$4,200.00

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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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

29 CFR 1910.217(b)(13): Control system(s) of mechanical power press(es) were not constructed so that a failure within the system would not prevent the normal stopping action from being applied to the press when required, but would prevent initiation of a successive stroke until the failure is corrected:

- a) Press room - Employees were exposed to crushing injuries when they operated the #3 Niagara Handfed M150 part revolution mechanical power press without control reliability installed.
- b) Press room - Employees were exposed to crushing injuries when they operated the #4 Niagara part revolution mechanical power press without control reliability installed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

September 28, 2023  
\$0.00

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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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

29 CFR 1910.217(b)(14)(ii): Brake system monitoring of mechanical power press(es) was not installed so that it indicated when the performance of the braking system had deteriorated to the extent that the safety distance was not maintained:

a) Press room - Employees were exposed to crushing injuries while they operated the #3 Niagara Handfed M150 part revolution mechanical power press without a brake monitoring system installed.

b) Press room - Employees were exposed to crushing injuries while they operated the #4 Niagara part revolution mechanical power press without a brake monitoring system installed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

September 28, 2023  
\$0.00

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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



### Safety Order and Notification of Penalty

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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

29 CFR 1910.217(c)(2)(i): The employer did not ensure that every mechanical power press point of operation guard met the following design, construction, application, and adjustment requirements in items a-f:

- a) Press room - Employees were exposed to crushing injuries when they operated the #20 Aida part revolution mechanical power press set on continuous mode with inadequate point of operation machine guarding. The pin guards were easily adjusted, and there was an opening in the guard that allowed access to the point of operation.
- b) Press room - Employees were exposed to crushing injuries while they operated the # 36 Bliss part revolution mechanical power press with inadequate point of operation machine guarding. The guarding was easily adjustable.
- c) Press room - Employees were exposed to crushing injuries while they operated the #25 Walsh Press and Die Company full revolution mechanical power press with an inadequate point of operation machine guarding with the control panel set to foot. The pin guards were easily adjustable and the front left had an opening that allowed access to the point of operation.
- d) Press room - Employees were exposed to crushing injuries while they operated the #12 Johnson Machine and Press Corporation full revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, opening allowed access to the point of operation, and the back of the press was not guarded.
- e) Press room - Employees were exposed to crushing injuries while they operated the #22 CMC Clearing part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and swung open and had an opening that allowed access to the point of operation.
- f) Press room - Employees were exposed to crushing injuries while they operated the #3 Niagara Handfed M150 part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, easily removable, and swung open.
- g) Press room - Employees were exposed to crushing injuries while they operated the #4 Niagara part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and swung open.



**Safety Order and Notification of Penalty**

**Company Name:** Tramec, LLC

**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544

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h) Press room - Employees were exposed to crushing injuries while they operated the #2 Niagara M- 150 mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, easily removable, and swung open.

l) Press room - Employees were exposed to crushing injuries while they operated the #38 Niagara B1-4 full revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable, easily removable, and swung open. Guarding was able to be reached over and into the point of operation.

j) Press room - Employees were exposed to crushing injuries while they operated the #40 Russell part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and openings were present that allowed access to the point of operation.

k) Press room - Employees were exposed to crushing injuries while they operated the #6 L & J full revolution mechanical power press with inadequate point of operation machine guarding. The pin guards are easily adjustable, easily movable, and swung open. There were openings that allowed access to the point of operation. The guards could be reached over to the point of operation.

l) Press room - Employees were exposed to crushing injuries while they operated the #13 Bliss C-75 full revolution mechanical power press with inadequate point of operation machine guarding. The guard was easily removable with wing nut-type attachments.

m) Press room - Employees were exposed to crushing injuries they operated the #21 Verson part revolution mechanical power press with inadequate point of operation machine guarding. The opening on the left side of the press was large enough to reach through the guard and the pin guarding was easily adjusted.

n) Press room - Employees were exposed to crushing injuries when they operated the #39 Rouselle mechanical power press with inadequate point of operation machine guarding. The pin guards were easily adjustable and there was an opening in the guard that allowed access to the point of operation.

o) Press room - Employees were exposed to crushing injuries while they operated the #19 Perkins part revolution mechanical power press with inadequate point of operation machine guarding. The pin guards used for the sides of the press were easily adjusted.



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

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

**Company Name: Tramec, LLC**  
**Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544**

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p) Press room - Employees were exposed to crushing injuries while they operated the #16 Walsh full revolution mechanical power press with inadequate point of operation machine guarding. Openings in the guard allowed access to the point of operation, the guard was not secured to the machine and was easily adjustable.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	September 28, 2023
Proposed Penalty:	\$0.00

Indiana Department of Labor  
Occupational Safety and Health Administration

Inspection Number: 1666110  
CSHO ID: O9120  
Optional Report No.: 13-23  
Inspection Date(s): 04/26/2023 - 08/16/2023  
Issuance Date: 08/28/2023



**Safety Order and Notification of Penalty**

Company Name: Tramec, LLC  
Inspection Site: 1320 S. Merrifield Ave., Mishawaka, IN 46544

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains that were seven (7) or less feet from the floor or platform were not enclosed:

Press room - Employees were exposed to caught-in injuries when they operated the #4 Niagara part revolution mechanical power press that had an unguarded chain and sprocket.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

September 28, 2023  
\$1,800.00

  
Jameson Berry  
IOSHA Director



## INVOICE/DEBT COLLECTION NOTICE

**Company Name:** Tramec, LLC  
**Inspection Site:** 1320 S. Merrifield Ave., Mishawaka, IN 46544  
**Issuance Date:** 08/28/2023

**Summary of Penalties for Inspection Number:** 1666110

Safety Order 1 Item 1a, Serious	\$4,200.00
Safety Order 1 Item 1b, Serious	\$0.00
Safety Order 1 Item 2a, Serious	\$1,800.00
Safety Order 1 Item 2b, Serious	\$0.00
Safety Order 1 Item 3a, Serious	\$4,200.00
Safety Order 1 Item 3b, Serious	\$0.00
Safety Order 1 Item 3c, Serious	\$0.00
Safety Order 1 Item 3d, Serious	\$0.00
Safety Order 1 Item 4, Serious	\$1,800.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>\$12,000.00</b>

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

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

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.

  
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Jameson Berry  
IOSHA Director

8/28/2023  
\_\_\_\_\_  
Date