

**Michigan Department of Labor and Economic Opportunity  
Michigan Occupational Safety and Health Administration (MIOSHA)**

MIOSHA General Industry Safety & Health Division

530 West Allegan Street

P.O. Box 30644

Lansing, MI 48909

Phone: (517) 284-7750 Fax: (517) 284-7755

## Citation and Notification of Penalty

**To:**

Commercial Fabricating & Engineering Inc and its  
successors

1395 Energy Way  
Highland, MI 48357

**Inspection Number:**

1497694

**Inspection Date(s):**

10/15/2020 - 10/30/2020

**Issuance Date:**

12/17/2020

**Inspection Site:**

1395 Energy Way  
Highland, MI 48357

**Reporting ID:**

0552652

**CSHO ID:**

Q9676

**Optional Report Number:**

**SUMMARY:** An inspection at the site noted above has revealed conditions we believe do not comply with the provisions of the Michigan Occupational Safety and Health Act, Act 154, of the P.A. of 1974, as amended (MIOSH Act). The nature of such alleged violation(s) is described on the citation(s) with reference to the applicable standards, rules, regulations, orders and provisions of the Act. Following is a list of items the employer must consider carefully, to resolve the issues alleged in the citation(s). Following this numbered summary is a more detailed explanation of the requirements.

1. The violation(s) alleged in the citation(s) must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated". If the line is marked "Immediately Upon Receipt," the violation must be corrected on or before the date that the citation is received by the employer. If the violation was corrected during the inspection, the line will be marked "Abated." or "Corrected during inspection." Correcting a violation does not eliminate the requirement to pay the penalty nor does payment of the penalty negate having to correct the violation.
2. A copy of the citation(s) must be posted at or near the location of the violation(s) for a minimum of 3 days or until the item(s) have been corrected, whichever is later.
3. Documentation of abatement must be provided to the issuing division. Failure to provide such documentation may result in a follow-up inspection.
4. The employer may enter into a Penalty Reduction Agreement (PRA) that can result in a 50% reduction in any assessed penalties. The employer should apply for a PRA online at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra) within 5 workdays upon receiving a citation(s) if interested. An employer without access to a computer may contact the issuing division to request a PRA.
5. The employer may file a first appeal for modification or dismissal of a citation item and/or any proposed penalty or request an extension of time for abatement. **The appeal must be in writing and be postmarked within 15 workdays of receipt (workday is defined below).** The first appeal can also result in a penalty reduction of up to 50%. If an appeal is untimely, the citation(s) become a Final Order of the Board of Health and Safety Compliance and Appeals (Board) and is no longer subject to review by the issuing division. An employee or employee representative may appeal abatement dates.
6. Except under a PRA monetary penalties must be paid within 15 workdays of a citation becoming a Final Order of the Board.
7. The employer may file a request for an extension of time to abate a citation(s) that has become a Final Order of the Board. Such a request must be in writing and received or post marked no later than 1 working day following the abatement date.
8. It is unlawful to discriminate against an employee for exercising any of their rights under MIOSHA.

Note: As defined in statutes, "workday" or "working day" means any day other than a Saturday, Sunday, or state legal

holiday. The state legal holidays are:

January 1, New Year's Day  
The third Monday in January, Martin Luther King, Jr. Day  
February 12, Lincoln's birthday  
The third Monday of February, Washington's birthday  
The last Monday of May, Memorial or Decoration Day  
July 4, Independence Day  
The first Monday in September, Labor Day  
The second Monday in October, Columbus Day  
November 11, Veterans' Day  
The fourth Thursday of November, Thanksgiving Day  
December 25, Christmas Day

Please note whenever January 1; February 12; July 4; November 11; or December 25 fall on a Sunday, the next Monday following is deemed a public holiday (non-working day) for appeal purposes. However, there is no compensating day when one of the five dated holidays falls on a Saturday. Also, when computing the 15 working days, you do not count the date on which it is received; you start with the next working day. Additionally, the count is based on when the citation was received at the employer's location, not when it got to any particular person or office at the employer's location.

**I–CITATIONS:** The nature of the alleged violation(s) is described on the enclosed citation(s). These conditions must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated." The issuing division may be contacted by telephone at the number indicated on the front of the citation for the purpose of discussing any issues related to the inspection or citation(s).

A copy of the citation(s) must be posted at or near the location of the violation for a minimum of 3 days or until the items have been corrected, whichever is later. The MIOSH Act provides for civil penalties of up to \$7,000 for each violation for failure to comply with posting requirements.

When compliance is achieved, a copy of the citation must be signed and returned to the issuing division along with documentation of abatement.

Documentation of abatement for citation items originally classified as "serious," "repeat," "fail-to-abate," "willful," or "instance-by-instance," require documentation as deemed appropriate by the issuing division. Examples of documentation for these violation classifications are:

- (a) A detailed description of how the violation was abated.
- (b) Work orders or an invoice indicating the corrective work that has been done.
- (c) Photographs of the abated conditions.
- (d) Other forms of conclusive evidence that your employees are no longer exposed to the hazard.

For citation items classified as "other," submitting to the issuing division a signed copy of the citation item indicating the item has been abated is acceptable documentation of abatement. Submitting a document in writing, certifying abatement of the particular citation item is also acceptable for citation items classified as "other."

If the employer does not provide adequate documentation of abatement, a re-inspection may be conducted. Failure to correct an alleged violation within the abatement period may result in new or additional proposed penalties.

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.

**II–PENALTY REDUCTION:** In addition to the appeal rights afforded by the MIOSH Act, the Michigan Occupational Safety and Health Administration has implemented a program for negotiating an expedited settlement of penalties with the employers known as a Penalty Reduction Agreement (PRA). This is a program designed to reach abatement of the hazard at the earliest possible opportunity and reduce the need for formal appeals. The penalty reduction (PRA) can result in a penalty reduction of 50% provided the issuing division and the employer agree to a number of specified conditions. These conditions include an agreement by the employer to accept all of the citations issued and to:

- (a) Not appeal further.
- (b) Abate all items within the abatement period.
- (c) Provide proof of abatement.
- (d) Pay all agreed upon penalties as required (within 15 working days of approval of the PRA.)
- (e) Abide by any other mutually agreed upon actions.

Inspections involving a fatality, the Severe Violator Enforcement Program (SVEP), or willful citations are not

eligible for the program. Construction citations must be confirmed as corrected by the issuing division before a penalty reduction agreement can be approved.

If you are interested in pursuing a PRA, you should apply online at [www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra) **within 5 workdays upon receipt of the citation(s)**, but no later than the 15th workday beyond receipt of the citation(s). If you do not have access to a computer, you should contact the issuing division within the same timeframe to request a PRA. If the employer wishes to accept the conditions stated above and the process can be completed within 15 workdays from receipt, then no appeal need be filed.

**III–CITATION APPEAL:** An employer may file a first appeal to the issuing division in writing for modification or dismissal of a citation item and/or any proposed penalty or an extension of time for abatement. The first appeal can also result in a penalty reduction of up to 50% providing the issuing division and the employer agree to the conditions (a) through (e) as stated in Section II, PENALTY REDUCTION (above).

An employee or employee representative may appeal in writing the reasonableness of the abatement date(s). The envelope containing an appeal must be postmarked no later than the 15th workday following receipt of the citation.

If a citation is not appealed within 15 workdays of receipt, then the citation becomes a Final Order of the Board of Health and Safety Compliance and Appeals (Board). Final Order citations are not subject to review by the issuing division unless the Bureau of Hearings establishes good cause for the late appeal.

An appeal must specify the item(s) appealed and that portion of the item (e.g., violation, abatement date, penalty) which is being appealed and include a certification that the appeal has been posted or given to affected employees or their representatives. If the issuing division meets with the employer to discuss an appeal, the issuing division will notify the employee representative and allow attendance at the meeting.

The issuing division will notify an employer of its decision within 15 workdays of the receipt of the employer's written appeal. The decision must be posted at the location of the subject citation.

If an employer, employee or employee representative is not satisfied with this decision then they may file a second appeal. The appeal must be in writing and the envelope containing the second appeal must be postmarked within 15 workdays of the receipt of the issuing division's decision on the first appeal. If the issuing division's decision is not appealed then the citation becomes a Final Order of the Board.

**IV–PAYMENT OF MONETARY PENALTIES:** Unless subject to a PRA, payment must be made within 15 workdays of the date a proposed penalty of a citation becomes a Final Order of the Board. This would be the 30th workday after receipt of each citation item that is not appealed. For payment of a penalty, make a check or money order payable to the "State of Michigan" and remit to the issuing division at the address shown on the citation. Please record the inspection number, citation and item number on the check, money order or transmittal letter.

**V–EMPLOYEE DISCRIMINATION:** Section 65 of the MIOSH Act, prohibits discrimination by an employer against an employee for filing a complaint or exercising any rights under the MIOSH Act, as amended. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, they may file a complaint with the MIOSHA Employee Discrimination Section within 30 days after the violation occurs.

**VI–STATE CONSULTATION EDUCATION AND TRAINING SERVICES:** The MIOSHA Consultation Education and Training (CET) Division offers a wide range of services to help businesses with their health and safety practices. CET services include: helping employers create a Safety and Health Management System, seminars and workshops, onsite consultations, hazard surveys, an equipment loan program and information material. The majority of CET services are provided free of charge to Michigan employers and employees. For information on these services, contact the CET Division at (517) 284-7720 or visit their web site at [www.mi.gov/miosha](http://www.mi.gov/miosha).

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**Issuance Date:** 12/17/2020  
**Optional Reporting Number:**

### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way, Highland, MI 48357

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#### **Citation 1 Item 1**

Type of Violation: **Serious**

##### 408.12321(1): GI PART 23, HYDRAULIC POWER PRESSES

Where operator exposure exists, a press shall be equipped and operated with a point of operation guard or a point of operation protection device for every press operation performed, except where the point of operation is limited to an opening of 1/4 inch or less.

(There was no point of operation guard on the Piranha hydraulic press located in the shop area. Employees places hands within 12 inches of a 1 3/8 inch point of operation pinch point opening.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$1,500.00**

#### **Citation 1 Item 2**

Type of Violation: **Serious**

##### 408.13370(1): GI PART 33, PERSONAL PROTECTIVE EQUIPMENT

An employer shall ensure that each affected employee is provided with, and wears, head protection equipment and accessories when the employee is required to be present in areas where a hazard exists from any of the following:

- (a) Falling or flying objects.
- (b) Other harmful contacts or exposures.
- (c) Where there is a risk of injury from any of the following:
  - (i) Electric shock.
  - (ii) Hair entanglement.
  - (iii) Chemicals.
  - (iv) Temperature extremes.

(An employee was observed moving metal parts overhead using a crane located in the assembly area without wearing head protection. The metal part was lifted approximately 7-feet above the ground.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$1,200.00**

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**Citation and Notification of Penalty**

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**Citation 1 Item 3**

Type of Violation: **Serious**

1910.147(c)(4)(i): GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES  
(LOCKOUT/TAGOUT) [REF 408.18502]

Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

(Energy isolation procedures were not utilized when an employee changed the cutting blade on the HYD-MECH horizontal band saw located in the assemble area. A lock was not applied to the band saw electrical power disconnect switch.)

<b>Date By Which Violation Must be Abated:</b>	<b>January 26, 2021</b>
<b>Proposed Penalty:</b>	<b>\$1,200.00</b>

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#### **Citation 1 Item 4**

Type of Violation: **Serious**

1910.134(c)(1): OH PART 451, RESPIRATORY PROTECTION [REF 325.60052]

In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section, as applicable:

- (i) Procedures for selecting respirators for use in the workplace;
- (ii) Medical evaluations of employees required to use respirators;
- (iii) Fit testing procedures for tight-fitting respirators;
- (iv) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- (v) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
- (vi) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;
- (vii) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- (viii) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
- (ix) Procedures for regularly evaluating the effectiveness of the program.

(The firm requires employees to wear half mask respirators without implementing the following requirements:

- a. There was no written respiratory protection program.
- b. Medical evaluations were not conducted for employees that are required to wear half mask respirators.
- c. Fitness testing was not conducted for employees that are required to wear half mask respirators.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$1,200.00**

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### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
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#### **Citation 2 Item 1**

Type of Violation: **Repeat-Serious**

#### 408.10034(3): GI PART 1, GENERAL PROVISIONS

A point of operation guard or device shall be as prescribed in a specific standard, or, in the absence of a specific standard, shall be designed and constructed, when required, to prevent the machine operator exposed to the hazard from having any part of his or her body in the hazardous area during the operating cycle. A guard or device for the point of operation of a nonproduction arbor press or straightening press is not required if the machine is equipped with a hand control that is designed to stop the ram action or return the ram to the up position when released.

Commercial Fabricating & Engineering Inc was previously cited for violation of this occupational safety and health standard or its equivalent standard, GI PART 1, GENERAL PROVISIONS, which was contained in MIOSHA inspection number 1125896, citation number 1, item number 1, issued on April 29, 2016, with respect to a workplace located at 1395 Energy Way Highland, MI 48357.

(There was no point of operation guard for the following machinery:

- a. The Piranha Iron Worker #33 located in the assembly area. Employees places hands within 12 inches of a 1.5 inch point of operation pinch point opening
- b. The Piranha Iron Worker #34 located in the assembly area. Employees places hands within 12 inches of a 1.5 inch point of operation pinch point opening)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$4,000.00**

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**Issuance Date:** 12/17/2020  
**Optional Reporting Number:**

### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way, Highland, MI 48357

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#### **Citation 2 Item 2**

Type of Violation: **Repeat-Serious**

##### 408.12631(1): GI PART 26, METAL WORKING MACHINERY

An employer shall ensure that a squaring shear, mechanical or manual, shall have 1 of the following:

- (a) The blade and hold-down clamp guarded by a fixed barrier set in accordance with Figure 1.
- (b) Automatic clamps set within 1/4 inch of the table or stock with the cutouts filled in so that the fingers of the operator cannot enter the pinch point.
- (c) A self-adjusting barrier with a limit of not more than 1/4 inch above the table or material.

Commercial Fabricating & Engineering Inc was previously cited for violation of this occupational safety and health standard or its equivalent standard, GI PART 26, METALWORKING MACHINERY, which was contained in MIOSHA inspection number 1125896, citation number 1, item number 5, issued April 29, 2016, with respect to a workplace located at 1395 Energy Way Highland, MI 48357.

(There was an excessing opening on the fixed barrier guard exposing the pinch points of the blade and hold-down clamps on the Accurshear squaring shear located in the assembly area.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$4,000.00**

#### **Citation 3 Item 1a**

Type of Violation: **Other-than-Serious**

##### 408.10835(3): GI PART 8, PORTABLE FIRE EXTINGUISHERS

An extinguisher shall receive a thorough inspection at least once a year to insure operability. An extinguisher requiring recharging or weighing shall be maintained at least annually.

(The firm had three (3) Amerex ABC type fire extinguishers located throughout the shop that had not received a thorough annual inspection since June 2018.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$0.00**

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**Optional Reporting Number:**

### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way, Highland, MI 48357

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#### **Citation 3 Item 1b**

Type of Violation: **Other-than-Serious**

408.10831(1): GI PART 8, PORTABLE FIRE EXTINGUISHERS

An extinguisher shall be located where it will be readily seen and accessible along normal paths of travel.

(There were hoses and electrical cords blocking access to the Amerex ABC type fire extinguisher located on the west wall of the assembly area.)

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$0.00**

#### **Citation 3 Item 1c**

Type of Violation: **Other-than-Serious**

408.10833(1): GI PART 8, PORTABLE FIRE EXTINGUISHERS

An extinguisher shall be installed securely on a hanger, in a bracket or mounted in a cabinet unless it is wheeled type or cart mounted. A means shall be used to indicate the location of an extinguisher mounted in a cabinet or on a shelf. The extinguisher shall be placed so that the operating instructions face outward.

(There were two (2) Amerex ABC type fire extinguishers stored on a cabinet located in the assembly area.)

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**January 26, 2021**  
**\$0.00**

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### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
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#### **Citation 3 Item 2**

Type of Violation: **Other-than-Serious**

408.11254: GI PART 12 WELDING AND CUTTING

Regulators shall:

- (a) Be used as specified in R 408.11224(3).
- (b) Be inspected for faulty seats and repaired when found defective.
- (c) Be repaired by authorized and trained personnel, or be returned to the supplier for calibration or repairs.
- (d) Not be removed until the cylinder valve is closed and the regulator drained.
- (e) Have gauges marked "Use No Oil" when used for oxygen.

(The acetylene tank regulator on the oxyacetylene cutting torch was observed broken located in the assembly area.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 3a**

Type of Violation: **Other-than-Serious**

408.12042(2): GI PART 20, UNDERHUNG CRANES AND MONOMRAIL SYSTEMS

Records of all monthly-to-quarterly and yearly inspections shall be kept for not less than 2 years.

(There was no monthly or quarterly inspections provided for the underhung 5-Ton Continental Crane located in the Assembly area.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$0.00**

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#### **Citation 3 Item 3b**

Type of Violation: **Other-than-Serious**

408.12041: GI PART 20, UNDERHUNG CRANES AND MONORAIL SYSTEMS

At the beginning of each shift during which a crane or monorail system is used, a daily visual inspection shall be made in accordance to table 2. The visual inspection shall be limited to that which can be made from a catwalk or other safe observation point.

(Employees do not inspect the underhung 5-ton Continental Crane prior to operating it. The crane was located in the main shop.)

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**January 26, 2021**  
**\$0.00**

#### **Citation 3 Item 4a**

Type of Violation: **Other-than-Serious**

408.12154(5): GI PART 21, POWERED INDUSTRIAL TRUCKS

A permit to operate a powered industrial truck is valid only with the employer who issued the permit, and the permit shall be issued for a period of not more than 3 years. An employee may continue to operate a powered industrial truck if the employee's handicaps or inabilities do not prove detrimental to his or her task.

(There were six (6) expired permits for operators of the firm's powered industrial trucks.)

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**January 26, 2021**  
**\$0.00**

#### **Citation 3 Item 4b**

Type of Violation: **Other-than-Serious**

408.12131(1): GI PART 21, POWERED INDUSTRIAL TRUCKS

A truck, except a motorized hand truck, shall be equipped with an audible device to warn of approach.

(The was an inoperable horn on the Hyster 100 XL2 which was located in the assembly area.)

**Date By Which Violation Must be Abated:**  
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#### **Citation 3 Item 5**

Type of Violation: **Other-than-Serious**

1910.303(b)(7)(iv): GI PART 39, DESIGN SAFETY STANDARDS FOR ELECTRICAL SYSTEMS [REF 408.13902]

There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

(There was a damaged electrical power cord repaired with electric tape on the Piranha Iron Worker #32 located in the Assembly room.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 6a**

Type of Violation: **Other-than-Serious**

408.14965(1): GI PART 49 SLINGS

A synthetic web sling shall be immediately removed from service if any of the following conditions are present:

- (a) Acid or caustic burns.
- (b) Melting or charring of any part of the sling surface.
- (c) Snags, punctures, tears, or cuts.
- (d) Broken or worn stitches.
- (e) Distortion of fittings

(There were broken and cut fibers observed on the synthetic web sling located in the assembly area.)

**Date By Which Violation Must be Abated:**

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**Proposed Penalty:**

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#### **Citation 3 Item 6b**

Type of Violation: **Other-than-Serious**

408.14923(1): GI PART 49, SLINGS

In addition to the inspection prescribed by R 408.14912, an employer shall designate an employee to make a thorough periodic inspection of an alloy steel chain sling in use on a regular basis. An employer shall determine the regularity of inspection based on all of the following factors:

- (a) Frequency of sling use.
- (b) Severity of service conditions.
- (c) Nature of lifts being made.
- (d) Experience gained on the service life of slings used in similar circumstances.

The designated employee shall inspect an alloy steel chain sling at least once every 12 months.

(There was no inspection records for the steel alloy chain sling located onsite in the facility.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$0.00**

#### **Citation 3 Item 6c**

Type of Violation: **Other-than-Serious**

408.14912(1): GI PART 49, SLINGS

A sling and all fastenings shall be inspected for damage and defects by a designated employee before each day's use.

(Slings were not inspected for damage and defects by employees before each days use.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$0.00**

**Michigan Department of Labor  
and Economic Opportunity**  
530 West Allegan Street  
P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517) 284-7755

**Inspection Number:** 1497694  
**Inspection Date(s):** 10/15/2020 - 10/30/2020  
**Issuance Date:** 12/17/2020  
**Optional Reporting Number:**

### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way, Highland, MI 48357

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#### **Citation 3 Item 7**

Type of Violation: **Other-than-Serious**

Rule 4 (1): EMERGENCY RULES - CORONAVIRUS DISEASE 2019 (COVID-19) [REF MCL 24.248]  
The employer shall develop and implement a written COVID-19 preparedness and response plan, consistent with the current guidance for COVID-19 from the US Centers for Disease Control and Prevention (CDC) and recommendations in "Guidance on Preparing Workplaces for COVID-19." developed by the Occupational Health and Safety Administration (OSHA).

(The employer did not develop a written COVID-19 preparedness and response plan.)

**Date By Which Violation Must be Abated:**

**December 23, 2020**

**Proposed Penalty:**

**\$0.00**

#### **Citation 4 Item 1**

Type of Violation: **Repeat-Other**

408.10033(3): GI PART 1, GENERAL PROVISIONS

Unless its function is self-evident, each operating control device shall be identified as to its function.

Commercial Fabricating & Engineering Inc was previously cited for violation of this occupational safety and health standard or its equivalent standard, GI PART 1, GENERAL PROVISIONS, which was contained in MIOSHA inspection number 1125896, citation number 2, item number 1, issued on April 29, 2016, with respect to a workplace located at 1395 Energy Way Highland, MI 48357.

(The on/off buttons were not self-evident or identified as to their function on the Rockwell combination sander located in the assembly room.)

**Date By Which Violation Must be Abated:**

**Corrected During Inspection**

**Proposed Penalty:**

**\$400.00**

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P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517) 284-7755

**Inspection Number:** 1497694  
**Inspection Date(s):** 10/15/2020 - 10/30/2020  
**Issuance Date:** 12/17/2020  
**Optional Reporting Number:**

### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way, Highland, MI 48357

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#### **Citation 4 Item 2**

Type of Violation: **Repeat-Other**

408.12042(1): GI PART 20, UNDERHUNG CRANES AND MONORAIL SYSTEMS

Monthly-to-quarterly and yearly inspections shall be made in accordance with table 2. Where supported by a documented record, monthly-to-quarterly inspections may be scheduled less frequently but not longer than semiannually. Before use, a crane or monorail system used in a corrosive atmosphere which has been idle for more than 1 month shall be inspected for all items specified in table 2. Where conditions of extreme duty cycle, heat, and corrosive or climatic extremes exist, more frequent inspections shall be conducted before use.

Commercial Fabricating & Engineering Inc was previously cited for violation of this occupational safety and health standard or its equivalent standard, GI PART 1, GENERAL PROVISIONS, which was contained in MIOSHA inspection number 1125896, citation number 2, item number 6, issued on July 05, 2016, with respect to a workplace located at 1395 Energy Way Highland, MI 48357.

(There were no quarterly to yearly inspections performed on the 5-ton underhung Continental crane located at the facility.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$400.00**

#### **Citation 4 Item 3**

Type of Violation: **Repeat-Other**

1910.147(c)(6)(i): GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES  
(LOCKOUT/TAGOUT) [REF 408.18502]

The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

Commercial Fabricating & Engineering Inc was previously cited for violation of this occupational safety and health standard or its equivalent standard, GI PART 85, THE CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) [REF 408.18502] which was contained in MIOSHA inspection number 1125896, citation number 2, item number 13, issued on April 29, 2016, with respect to a workplace located at 1395 Energy Way Highland, MI 48357.

(Periodic inspections of the firm's energy control procedures was not performed at least annually for authorized employees.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$400.00**

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Michigan Department of Labor  
and Economic Opportunity**  
530 West Allegan Street  
P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517) 284-7755

**Inspection Number:** 1497694  
**Inspection Date(s):** 10/15/2020 - 10/30/2020  
**Issuance Date:** 12/17/2020  
**Optional Reporting Number:**

### **Citation and Notification of Penalty**

**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way, Highland, MI 48357

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#### **Citation 4 Item 4**

Type of Violation: **Repeat-Other**

1910.1200(e)(1): GI PART 92, HAZARD COMMUNICATION [REF 408.19202]

Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also includes the following:

- (i) A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,
- (ii) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

Commercial Fabricating & Engineering Inc was previously cited for violation of this occupational safety and health standard or its equivalent standard, GI PART 92, HAZARD COMMUNICATION [REF 408.19202], which was contained in MIOSHA inspection number 1125896, citation number 2, item number 14, issued on April 29, 2016, with respect to a workplace located at 1395 Energy Way Highland, MI 48357.

(The following required elements of a hazard communication program were not developed, implemented, or maintained:

- a. Written program.
- b. Training provided to employees on the hazards related to the chemicals they are exposed to in the workplace.
- c. There was no safety data sheet for Spatter-Mask Welding Anti Spatter Coating.
- d. There was no list of chemicals known to be present in the workplace for chemicals audited including Xylene, Aquacron RAL 1018, and Spatter-Mask Welding Anti Spatter Coating.)

**Date By Which Violation Must be Abated:**

**January 26, 2021**

**Proposed Penalty:**

**\$400.00**

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**Authorized Signature**

**Michigan Department of Labor  
and Economic Opportunity**  
530 West Allegan Street  
P.O. Box 30644  
Lansing, MI 48909  
Phone: (517) 284-7750 Fax: (517)  
284-7755

**Inspection Number:** 1497694  
**Inspection Date:** 10/15/2020 - 10/30/2020  
**Issuance Date(s):** 12/17/2020  
**Optional Reporting Number:**  
**CSHO ID:** Q9676

## PROPOSED PENALTY INVOICE

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**Company Name:** Commercial Fabricating & Engineering Inc and its successors  
**Inspection Site:** 1395 Energy Way  
Highland, MI 48357

### Summary of Penalties for Inspection Number: 1497694

Citation 1 Item 1, Serious	\$1,500.00
Citation 1 Item 2, Serious	\$1,200.00
Citation 1 Item 3, Serious	\$1,200.00
Citation 1 Item 4, Serious	\$1,200.00
Citation 2 Item 1, Repeat-Serious	\$4,000.00
Citation 2 Item 2, Repeat-Serious	\$4,000.00
Citation 3 Item 1a, Other-than-Serious	\$0.00
Citation 3 Item 1b, Other-than-Serious	\$0.00
Citation 3 Item 1c, Other-than-Serious	\$0.00
Citation 3 Item 2, Other-than-Serious	\$0.00
Citation 3 Item 3a, Other-than-Serious	\$0.00
Citation 3 Item 3b, Other-than-Serious	\$0.00
Citation 3 Item 4a, Other-than-Serious	\$0.00
Citation 3 Item 4b, Other-than-Serious	\$0.00
Citation 3 Item 5, Other-than-Serious	\$0.00
Citation 3 Item 6a, Other-than-Serious	\$0.00
Citation 3 Item 6b, Other-than-Serious	\$0.00
Citation 3 Item 6c, Other-than-Serious	\$0.00
Citation 3 Item 7, Other-than-Serious	\$0.00
Citation 4 Item 1, Repeat-Other	\$400.00
Citation 4 Item 2, Repeat-Other	\$400.00
Citation 4 Item 3, Repeat-Other	\$400.00
Citation 4 Item 4, Repeat-Other	\$400.00

**TOTAL PROPOSED PENALTIES:** **\$14,700.00**

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty.  
Payment of the penalty does not eliminate the requirement of correcting the violation.

The state 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.

Payment must be made within 15 working days of the date a proposed penalty of a citation item becomes a final order of the board. This would be the thirtieth (30<sup>th</sup>) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the "State of Michigan" and remit to the Department of Labor and Economic Opportunity at the address shown on the citation. **PLEASE RECORD THE APPLICABLE INSPECTION NUMBER, CITATION NUMBER(S) AND ITEM NUMBER(S) ON THE CHECK, MONEY ORDER**

**OR YOUR TRANSMITTAL LETTER.**

**Enclose this invoice page (or a copy thereof) with your payment.**

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**Authorized Signature**