



U.S. Department of Labor
Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, Illinois 60542
(630) 896-8700
(630) 892-2160 (fax)

October 26, 2009

U.S Environmental Protection Agency
77 W. Jackson
Chicago, IL 60604

Dear Ms. Demaree Collier:

This letter is in response to your referral concerning safety and/or health hazards at:

Continental Metals, Inc.
900 Sterling Street
LaSalle, IL 61301

The Occupational Safety and Health Administration conducted an investigation of your complaint and completed our investigation on 10-07-09.

The result of our investigation of your referral item is as follows:

Employees working in the warehouse are exposed to friable asbestos.

Result: Personal air sampling was conducted for asbestos exposure, which resulted in no detection of asbestos. There will be no citations issued.

Section 11(c) of the OSH Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible, since OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.



Thank you for your concern for a safe and healthful workplace.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned to the left of the typed name.

Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, IL 60542
Phone: (630) 896-8700 FAX: (630) 892-2160



Citation and Notification of Penalty

To:
Continental Metals, Inc.
and its successors
900 Sterling Street
LaSalle, IL 61301

Inspection Number: 312729650
Inspection Date(s): 09/22/2009 - 10/05/2009
Issuance Date: 10/29/2009

Inspection Site:
900 Sterling Street
LaSalle, IL 61301

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

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

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

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may meet with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies). Please call immediately if you wish to schedule a conference.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be

submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

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

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

Abatement Certification - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly that you have taken appropriate corrective action within the time frame set forth on this Citation. Please send to the Area Office abatement certification or documentation as indicated on the citation.

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

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

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Internet Citation History - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

Kathy Webb, Area Director
U.S. Department of Labor - OSHA

365 SMOKE TREE PLAZA
North Aurora, IL 60542-1798
Phone: (630)896-8700

Continental Metals, Inc.
900 Sterling Street
LaSalle, IL 61301

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____, Item _____ was corrected on _____
by the following action: _____
Write a brief description of corrective action

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____, Item _____ was corrected on _____
by the following action: _____
Write a brief description of corrective action

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____, Item _____ was corrected on _____
by the following action: _____
Write a brief description of corrective action

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____, Item _____ was corrected on _____
by the following action: _____
Write a brief description of corrective action

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

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/29/2009. The conference will be held at the OSHA office located at 365 Smoke Tree Plaza, North Aurora, IL, 60542-1798 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Continental Metals, Inc.
Inspection Site: 900 Sterling Street, LaSalle, IL 61301

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

29 CFR 1910.178(l)(5): When an operator has previously received training as specified in paragraph (l)(3), and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator has been evaluated and found competent to operate the truck safely:

Warehouse: The employer had not ensured that each employee that operates a powered industrial truck had received training and an evaluation of the competency of the operator(s) before permitting the operator(s) to operate the trucks.

Abatement documentation is required for this item in accordance with the requirements of 29 CFR 1903.19(d).

Date By Which Violation Must be Abated: 12/01/2009
Proposed Penalty: \$ 600.00

A large, stylized handwritten signature in black ink, appearing to read "Kathy Webb".

Kathy Webb
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, IL 60542-1798
Phone: (630) 896-8700 FAX: (630) 892-2160



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Continental Metals, Inc.
Inspection Site: 900 Sterling Street, LaSalle, IL 61301
Issuance Date: 10/29/2009

Summary of Penalties for Inspection Number 312729650

Citation 1, Serious	= \$	600.00
TOTAL PROPOSED PENALTIES	= \$	600.00

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

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

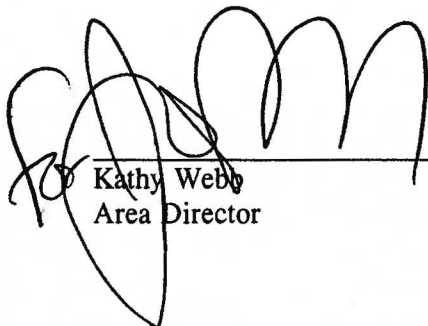
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 4%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

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



Kathy Webb
Area Director

10/09/09

Date

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

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

U.S. Department of Labor
Occupational Safety and Health Administration
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North Aurora, Illinois 60542-1798
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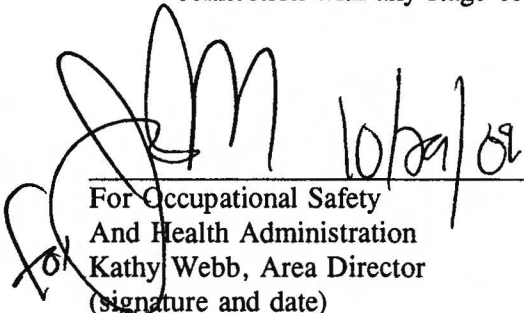


In the Matter of: Continental Metals, Inc.
OSHA No.(s): 312729650

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above referenced citation(s) and Notification(s) of Penalties which were issued on 10/29/2009, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above citation(s).
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to the Area Director that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three days in the place the citations were posted.
4. OSHA agrees that the total penalty is amended to \$420.00. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initially proposed penalty of \$600.00.
5. In consideration of the foregoing amendment(s) and/or modification(s) to the citation(s), the EMPLOYER hereby waives its right to contest said citation(s) pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970. It is understood and agreed by the Occupational Safety and Health Administration and the EMPLOYER that the citation(s) as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Citations (Citations are required by law to be posted in a prominent place at or near the location of the violation(s). Citations must remain posted until the violations cited have been corrected, or for three (3) working days (excluding weekends and Federal Holidays, whichever is longer).
7. Each party hereby agrees to bear it own fees and other expenses incurred by such party in connection with any stage of this proceeding.



For Occupational Safety
And Health Administration
Kathy Webb, Area Director
(signature and date)

For Continental Metals, Inc.
(signature and date)

U.S. Department of Labor

Occupational Safety and Health Administration
365 Smoke Tree Plaza
North Aurora, Illinois 60542-1798
(630) 896-8700 FAX: (630) 892-2160



WHAT IS THE EXPEDITED INFORMAL SETTLEMENT AGREEMENT (EISA)?

It is a way to cut OSHA penalties by 30% and settle your case promptly. This offer is made to increase the efficiency of business and government; you can quickly settle this case for a penalty reduction without scheduling a meeting with OSHA. However, if you decide to enter into the EISA, you should be aware that you relinquish your right to contest the citation and penalties.

WHY IS THIS OFFER BEING MADE TO YOU?

Because the recent inspection of your workplace uncovered no Repeated, Willful, or Failure to Abate violations of OSHA standards AND you are willing to correct the violations that were found no later than the dates shown on the citations.

WHAT DO YOU HAVE TO DO?

You have to agree to correct all the violations BY THE DATES shown on the citations AND provide documentation when noted on the citation. Additionally, you must prepare a written certification that all of the violations have been corrected. A copy of the certification must be posted for employees to see, and a copy must be sent to this OSHA office.

STEP-BY-STEP, HOW WOULD I PROCEED?

1. Read and understand the Agreement.
2. If the terms are agreeable, sign the Agreement and return it to this office with a check for the reduced penalty amount. The agreement **MUST** be signed by you and **FAXED OR POSTMARKED** not later than the end of the 15-working day contest period. Keep a copy as a copy will not be returned to you.
3. Correct the violations. (Corrections **MUST** be made by the dates on the citations).
4. Where documentation is required, send evidence of the corrections made (eg., photographs, purchase orders, etc.). If you want, you can hold your evidence of corrections until everything has been corrected and then send it all out at once along with the Certification Form.
5. Fill out and sign the Certification Form, certifying that all of the violations have been corrected. Post one copy for your employees.
6. Send the following to OSHA promptly:
 - a. Copy of the signed agreement (EISA)
 - b. Certification form for violation items
 - c. Abatement evidence when required
 - d. Check for 70% of the amount of the initial proposed penalty

WHAT IF I RUN INTO PROBLEMS AND CANNOT CORRECT ALL OF THE VIOLATIONS BY THE DATES ON THE CITATION?

Contact this office as soon as you determine that you will not be able to correct the violations by the dates on the citation. If you can show a good reason for the delay, a new abatement date can be set.