

State of New Mexico

Environment Department

Occupational Health and Safety Bureau

525 Camino de los Marquez, Suite 3

Santa Fe NM 87505

Phone: (505) 476-8700 Fax: (505) 476-8734



Citation and Notification of Penalty

To:
American Equipment Manufacturing, Inc.
AND ITS SUCCESSORS
1000 Troy King Rd
Farmington, NM 87401

Inspection Number: 1711137
Inspection Date(s): 11/16/2023-11/16/2023
Issuance Date: 05/13/2024

Inspection Site:
1000 Troy King Rd
Farmington, NM 87401

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 Environment Department, Occupational Health and Safety Bureau at the address shown above. 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, at the request of an employer, affected employee, or representative of employees, the Bureau Chief or the Bureau Chiefs designee may hold an informal conference. At this conference any issues raised by an inspection, citation, proposed penalty, proposed petition for modification of abatement date or proposed petition for variance may be discussed. If you intend to request an informal conference, take care to schedule it early enough to allow time to contest after the informal conference discussion, should you decide to do so.

When the conference is requested by an employer, an affected employee or representative shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee. When the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee.

The request for an informal conference and the informal conference meeting shall not extend or modify in any manner:

- 1) an abatement date established in the citation;
- 2) the deadline for an employer to file a notice of contest;
- 3) any other filing deadline related to the citation; or
- 4) any matter pending before the bureau.

Once an employer files a notice of contest, a petition for modification of the abatement date, a request for a commission hearing, a petition for variance, or other filing with the Occupational Health and Safety Review Commission or the Environment Department, the opportunity for an informal conference is no longer available.

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 Bureau Chief 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. It is recommended that the Notice of Contest be filed via "Certified Mail".

Penalty Payment- Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to the Environment Department, Occupational Health and Safety Bureau. Please indicate the Inspection Number on the remittance.

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

Notification of Corrective Action - For violations which you do not contest, you should notify the Occupational Health and Safety Bureau (OHSB) that each cited violation has been abated. To certify abatement, you should complete the "Description of Corrective Action Taken" box which follows each citation and sign the statement on the last citation page. You are not required to certify abatement if the compliance officer observed that abatement has occurred during the on-site inspection. The citation may indicate that you should submit additional documentation such as photographs, purchase orders, copies of written programs, etc. Failure to return all completed forms and documents to the Program Manager no later than 10 days after the abatement date may result in additional penalties.

You are also required to inform your employees about abatement activities by posting a copy of each document submitted to OHSB or a summary of the document near the place where the violation occurred. Documents must remain posted for 3 working days after submission to OHSB.

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 Environment Department, Occupational Health and Safety Bureau 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 Environment Department, Occupational Health and Safety Bureau 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.

Please note that your facility will appear on the Department's Enforcement Watch as a result of this Citation and Notification of Penalty (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved, including the payment of the assessed civil penalty.

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



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Inspection #: 1711137
Inspection Date(s): 11/16/2023-11/16/2023
Issuance Date: 05/13/2024

Citation and Notification of Penalty

Company Name: American Equipment Manufacturing, Inc.
Inspection Site: 1000 Troy King Rd Farmington, NM 87401

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

11.5.2.9 NMAC

29 CFR 1910.23(b)(10): (10) Any ladder with structural or other defects is immediately tagged "Dangerous: Do Not Use" or with similar language in accordance with §1910.145 and removed from service until repaired in accordance with §1910.22(d), or replaced;

On or about November 16, 2023, the employer failed to ensure all ladders located in the Spray Bay were inspected prior to use to identify any structural defects or damages and remove ladder from service if damaged and destroy from being reused.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

June 07, 2024
\$4,900.00

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



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Inspection #: 1711137
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Company Name: American Equipment Manufacturing, Inc.
Inspection Site: 1000 Troy King Rd Farmington, NM 87401

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

11.5.2.9 NMAC

29 CFR 1910.101(b): "Compressed gases." The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in Sec. 1910.6.

On or before November 16, 2023, employees were exposed to potential struck by hazards when several compressed gas cylinders being stored outside, between the main building and paint booth areas, were not secured or stored properly to prevent falling or rolling.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

June 07, 2024
\$4,900.00

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Company Name: American Equipment Manufacturing, Inc.
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Citation 1 Item 3 Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.151(c): Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

[63 FR 33450, June 18, 1998]

a: On or about November 16, 2023, American Equipment Manufacturing did not provide adequate eye wash stations in the coating station where employees are conducting spray coating operations within the interior of tank vessels with epoxies and other coatings such as, Carboguard 893 Part B, PHENICON HS Epoxy (PartA) and PHENICON HS Epoxy (PartB), which are corrosives. Employees were exposed to the hazards of chemical burns from working with corrosive chemicals during daily painting/coating activities.

b: On or about November 16, 2023, American Equipment Manufacturing, did not provide an adequate eye wash station for employees working in the paint booth station. Employees were exposed to the hazards of chemical burns from working with corrosive chemicals such as, Carboguard 893 Part B, PHENICON HS Epoxy (PartA) and PHENICON HS Epoxy (PartB).

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:

June 07, 2024

Proposed Penalty:

\$10,880.00

State of New Mexico
Environment Department
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Inspection #: 1711137
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Citation and Notification of Penalty

Company Name: American Equipment Manufacturing, Inc.
Inspection Site: 1000 Troy King Rd Farmington, NM 87401

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

11.5.2.9 NMAC

29 CFR 1910.243(c)(3): Vertical portable grinders. Safety guards used on machines known as right angle head or vertical portable grinders shall have a maximum exposure angle of 180 deg., and the guard shall be so located so as to be between the operator and the wheel during use. Adjustment of guard shall be such that pieces of an accidentally broken wheel will be deflected away from the operator.

On or about November 16, 2023, American Equipment Manufacturing did not ensure safety guards were used while employees were operating right angle grinders in the parts room next to the spray bay and throughout facilities, exposing affected employees to potential associated hazards.

PROOF OF ABATEMENT:

Date Corrected:

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Proposed Penalty:

June 07, 2024
\$10,880.00

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Company Name: American Equipment Manufacturing, Inc.
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Citation 1 Item 5 a Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinder is designed to accept a cap, shall always be in place, hand-tight, except when cylinders are in use or connected for use.

On or before November 16, 2023, employees were exposed to struck by hazards when several compressed gas cylinders that were stored outside, between the main building and spray bay areas, were left uncapped exposing the valves on several cylinders.

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Date Corrected:

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Date By Which Violation Must be Abated:

June 07, 2024

Proposed Penalty:

\$4,900.00

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Citation and Notification of Penalty

Company Name: American Equipment Manufacturing, Inc.
Inspection Site: 1000 Troy King Rd Farmington, NM 87401

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

11.5.2.9 NMAC

29 CFR 1910.253(b)(4)(i): Oxygen cylinders shall not be stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near any other substance likely to cause or accelerate fire; or in an acetylene generator compartment.

On or before November 16, 2023 the employer failed to ensure that the minimum distance of 20 feet or a noncombustible barrier at least 5 feet high was placed between the stored oxygen cylinders, used in welding, and propane bottles, located between the main building and paint booth areas, exposing employees to hazards from combustion.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

June 07, 2024
\$0.00

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Company Name: American Equipment Manufacturing, Inc.
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Citation 1 Item 6 Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.303(g)(1)(i)(A): The depth of the working space in the direction of access to live parts may not be less than indicated in Table S-1. Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if they are enclosed;

On or about November 16, 2023, American Equipment Manufacturing failed to ensure the appropriate spacing around the electrical boxes/circuit breakers was clear of obstructions to permit access. The electrical boxes/circuit switch enclosures did not have an appropriate clearance in front of the path of access to permit ready and safe operation and maintenance.

PROOF OF ABATEMENT:

Date Corrected:

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Proposed Penalty:

June 07, 2024
\$4,900.00

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Company Name: American Equipment Manufacturing, Inc.
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Citation 1 Item 7 a Type of Violation: **Serious**

NMAC 11.5.2.9

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

On or before November 16, 2023, employees of American Equipment Manufacturing, Inc. were exposed to electrical hazards due to exposed conductors lacking strain relief at flexible cord receptacle ends. Employees use these to operate welding and other metal fabrication equipment throughout the facility.

PROOF OF ABATEMENT:

Date Corrected:

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Company Name: American Equipment Manufacturing, Inc.
Inspection Site: 1000 Troy King Rd Farmington, NM 87401

Citation 1 Item 7 b Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) shall be visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket). Cord and plug connected equipment and flexible cord sets (extension cords) which remain connected once they are put in place and are not exposed to damage need not be visually inspected until they are relocated.

On or about November 16, 2023, employees using multiple frayed power cords for welding and metal fabrication equipment located in the Parts Room and the Spray Bay, were exposed to potential electrical shock due to their damaged outer jackets.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:

June 07, 2024

Proposed Penalty:

\$0.00

I attest that all corrective actions contained in this document are accurate and affected employees have been informed of the abatement.

Signature

Date

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Environment Department
Occupational Health and Safety Bureau



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Inspection Site: 1000 Troy King Rd Farmington, NM 87401

Pursuant to the New Mexico Environment Department Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue this Citation and Notification of Penalty to the Occupational Health and Safety Program Manager.

DocuSigned by:

Gregory Marquez

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Gregory J. Marquez, Program Manager

State of New Mexico
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INVOICE

Company Name: American Equipment Manufacturing, Inc.

Inspection Site: 1000 Troy King Rd Farmington, NM 87401

Issuance Date: 05/13/2024

Summary of Penalties for Inspection Number: 1711137

Citation 1 Item 1, Serious	\$4,900.00
Citation 1 Item 2, Serious	\$4,900.00
Citation 1 Item 3, Serious	\$10,880.00
Citation 1 Item 4, Serious	\$10,880.00
Citation 1 Item 5a, Serious	\$4,900.00
Citation 1 Item 5b, Serious	\$0.00
Citation 1 Item 6, Serious	\$4,900.00
Citation 1 Item 7a, Serious	\$4,900.00
Citation 1 Item 7b, Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$46,260.00**

Please remit payment promptly to this office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: Environment Department, Occupational Health and Safety Bureau. Please indicate OHSB's Inspection Number (indicated above) on the remittance.

OHSB 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.

DocuSigned by:
Gregory Marquez
309D20B21A80461...

Gregory J. Marquez, Program Manager

5/13/2024

Date