

U.S. Department of Labor
Occupational Safety and Health Administration
2183 Northlake Parkway
Building 7, Suite 110
Tucker, GA 30084
Phone: (770)493-6644 FAX: (770)493-7725

U.S. Department of Labor
Occupational Safety and Health Administration
F/c 2/2/2012



Citation and Notification of Penalty

To:
KD ACQUISITION I, LLC (dba Coleman Natural Foods)
and its successors
P.O. Box 5935
Gainesville, GA 30504

Inspection Number: 314211087
Inspection Date(s): 07/07/2011-07/11/2011
Issuance Date: 01/06/2012

Inspection Site:
1445 Josh Pirkle Rd
Braselton, GA 30517-0076

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. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form.

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.

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.

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

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

If you decide to request an informal conference, please complete, remove and post the page 4 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.

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful and Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification.

Where the citation is classified as **Serious** and the citations state that the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All Abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on front page); 3) the citation and the citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The Law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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.

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.



**IN THE EVENT THAT YOU REQUEST AN INFORMAL CONFERENCE
PLEASE FILL OUT AND POST THIS NOTICE**

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/06/2012. The conference will be held at the OSHA office located at 2183 Northlake Parkway, Building 7, Suite 110, Tucker, GA, 30084 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to ammonia hazards:

a) Plant - On or about July 7, 2011 - The employer failed to provide a workplace free of hazards when workers were potentially exposed to hazardous quantities of anhydrous ammonia in the workplace during a release.

Abatement Notes: Among other methods, a feasible and acceptable method to abate this hazard is to provide an ammonia detector interlocked to an alarm with visual and audible signals to warn employees in accordance with ASHRAE 15-2010 Section 8.11.2.1

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

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

29 CFR 1910.22(a)(1): Place(s) of employment were not kept clean and orderly, or in a sanitary condition:

a) Plant 1 and Plant 2 Building - On or about 07/07/11 hydraulic fluid leaks were not repaired. The fluid accumulated in pools on the coated concrete floors, creating slippery surfaces in the transit areas.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 1650.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

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

29 CFR 1910.120(q)(6)(iii): Employees assigned duties at the Hazardous Materials Technician level have not received at least 24 hours of training equal to the first responder operations level and in addition have competency in the areas specified in sections 1910.120(q)(6)(A) through (I) and were not certified:

a) Plant, Ammonia Refrigeration Room - On or about 07/07/11 operators responded to an accidental ammonia release due to cooling failure in the compressors. Workers accessed valves located in the danger zone and engaged in aggressive role comparable to that of a Hazardous Material Technician without having the required training.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 7000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

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

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

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one-half the diameter of the shaft:

a) Plant, Line 2 - On or about 07/07/11 the 1.0 in. diameter conveyor shaft protruded 1.5 in. from the bearing. The shaft end was not smooth.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 5500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

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

29 CFR 1910.219(c)(4)(ii): The unused keyway(s) of projecting shaft end(s) were not filled up or covered:

a) Plant, Line 2 - On or about 07/07/11 the 1.0 in. diameter conveyor shaft protruded 1.5 in. from the bearing and the keyway was not filled up or covered.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated: 02/15/2012

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba: Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by point of operation, ingoing nip points, rotating parts, flying chips, and sparks:

- a) Plant, Line 1 - The coupling connecting the hydraulic motor to the shaft of the batter conveyor was not guarded on the two vertical side planes. Employees working at the conveyor were exposed to nip points created by the coupling (and part of the shaft) rotating in proximity of the stationary bearing support structure.
- b) Plant, Line 3 - The coupling connecting the hydraulic motor to the shaft of the conveyor was not guarded on the top horizontal plane. Employees working at the conveyor were exposed to nip points created by the coupling (and part of the shaft) rotating in proximity of the stationary bearing support structure.

Note: Second repeat citation. Coleman Natural Foods was previously cited for:

- 1) a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 309622280, citation number 2, item number 3, issued on 07/17/2007, and affirmed as final order on 08/07/2007, with respect to a workplace located at 1445 Josh Pirkle Rd., Braselton, GA 30517, and also for
- 2) a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.212(a)(1), which was contained in OSHA inspection number 307842237, citation number 1, item number 8, issued on 02/21/2006, and affirmed as final order on 03/16/2006, with respect to a workplace located at 2069 Memorial Park Rd., Gainesville, GA 30504.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 55000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.303(b)(7)(iv): Damaged parts that could adversely affect the safe operation or mechanical strength of the equipment, such as parts that were broken, bent, cut or deteriorated by corrosion, chemical action or overheating, were allowed:

a) Plant, Line 1 - The 480 V 3-phase NEMA-4 control box for the batter mixer was not tightly closed. The door gasket was missing. The strain relief device for the power cable and the emergency switch were mounted loosely at the cabinet wall, and did not seal. Water cleaning solutions employed during sanitation seeped through and accumulated in the bottom of the box, causing extensive corrosion to the energized electrical parts.

Note: Coleman Natural Foods was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(b)(1), which was contained in OSHA inspection number 309622280, citation number 1, item number 5, issued on 07/17/2007, and affirmed as final order on 08/07/2007, with respect to a workplace located at 1445 Josh Pirkle Rd., Braselton, GA 30517.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 38500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

a) Plant, Line 1 - The NEMA-4 control box for raising and lowering the bin containing ground meat had a loose strain relief at the point the flexible power cable entered the box. The outer jacket was withdrawn, and the internal conductors and terminals were exposed to strain.

Note: Coleman Natural Foods was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.305(g)(2)(iii), which was contained in OSHA inspection number 309622280, citation number 1, item number 7, issued on 07/17/2007, and affirmed as final order on 08/07/2007, with respect to a workplace located at 1445 Josh Pirkle Rd., Braselton, GA 30517.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 27500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor

Occupational Safety and Health Administration

Inspection Number: 314211087

Inspection Dates: 07/07/2011 - 07/11/2011

Issuance Date: 01/06/2012



Citation and Notification of Penalty

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)

Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076

Citation 3 Item 1 Type of Violation: Other

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

a) Plant, Line 3 - The Badger carbon dioxide fire extinguisher (hung at the wall bracket, by the door entrance) was not subjected to a yearly maintenance inspection. The label read "Verification of service June 2006".

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:	02/15/2012
Proposed Penalty:	\$ 0.00

William C. Fulcher
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
2183 Northlake Parkway
Building 7, Suite 110
Tucker, GA 30084
Phone: (770)493-6644 FAX: 770-493-7725



INVOICE/ DEBT COLLECTION NOTICE

Company Name: KD ACQUISITION I, LLC (dba Coleman Natural Foods)
Inspection Site: 1445 Josh Pirkle Rd, Braselton, GA 30517-0076
Issuance Date: 01/06/2012

Summary of Penalties for Inspection Number 314211087

Citation 1, Serious	= \$	21150.00
Citation 2, Repeat	= \$	121000.00
Citation 3, Other	= \$	0.00
TOTAL PROPOSED PENALTIES	= \$	142150.00

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 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.

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.



William C. Fulcher
Area Director

01/06/2012

Date