

U.S. Department of Labor
Occupational Safety and Health Administration
Progress Plaza
49 North Progress Avenue
Harrisburg, PA 17109
Phone: (717)782-3902 FAX: (111)222-3333



Citation and Notification of Penalty

To:
MVP Kosher Foods, LLC a/k/a Mehadrin Kosher
Poultry, LLC
and its successors
1100 Lincoln Road
Birdsboro, PA 19508

Inspection Number: 315887638
Inspection Date(s): 02/09/2012-08/07/2012
Issuance Date: 08/07/2012

Inspection Site:
1100 Lincoln Road
Birdsboro, PA 19508

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.

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 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.

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 states that 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 the front page); 3) the citation and 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.

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.

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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.

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.

Inspection Activity Data - 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 these alleged violations will be posted when our system indicates that you have received this citation. 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

KEVIN G. KILP, Area Director
U.S. Department of Labor - OSHA
Progress Plaza
49 North Progress Avenue
Harrisburg, PA 17109
Phone: (717)782-3902

MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultry, LLC
1100 Lincoln Road
Birdsboro, PA 19508

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

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 08/07/2012. The conference will be held at the OSHA office located at Progress Plaza, 49 North Progress Avenue, Harrisburg, PA, 17109 on _____ at _____.

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



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.24(b): Fixed stairs were not provided for access from one structure level to another where operations necessitated travel regularly, daily, or at each shift:

- (a) **CHEMICAL/SANITATION CHANGE ROOM** - The employer did not provide fixed stairs for sanitation crew employees while they routinely accessed the second floor changing room that is located above the chemical room, thereby exposing employees to an eight (8) foot fall hazard while using a ladder, on or about June 20, 2010, and at times prior.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 4000.00

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

29 CFR 1910.101(b): Section 3.4.4, Compressed Gas Association Pamphlet P-1 1965, as adopted by 29 CFR 1910.101(b): Compressed gas cylinder(s) were not determined to be properly supported to prevent them from being knocked over before they were used:

- (a) **MVP KOSHER, COMPRESSOR ROOM** - Multiple compressed gas cylinders including but not limited to nitrogen, oxygen, and carbon monoxide, were not properly supported or secured to prevent tipping when put in place for use, thereby exposing employees to possible fractures, contusions or other injuries, on or about February 9, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 3000.00

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: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

The alleged violations below (3a and 3b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

- (a) MVP KOSHER, FACILITY WIDE - The employer did not develop, document, or utilize machine specific energy control procedures for all required equipment including but not limited to the soaker, chiller, and loafer machines while performing cleaning, servicing or maintenance, thereby exposing employees to possible fractures, electric shocks, or other injuries, on or about February 9, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure: 1) that the purpose and function of the energy control program was understood by the employees and 2) that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees:

- (a) MVP KOSHER, FACILITY WIDE - Employees performed cleaning, servicing, and maintenance on equipment, including but not limited to the chiller, soaker, and loafer machines, and the employer did not provide employees with lock-out/tag-out training, thereby exposing employees to possible crushing, caught-in, and electrical injuries, on or about February 9, 2012.

ABATEMENT NOTE

The training shall include the following:

- (a) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.
- (b) Each affected employee shall be instructed in the purpose and use of the energy control procedure.
- (c) All other employees whose work operations are or may be in the area where energy control procedures may be utilized, shall be instructed about the procedure, and about the prohibition relating to attempt to restart or re-energize machines or equipment which are locked out or tagged out.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:

08/31/2012



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew, craft, department, or other group:

- (a) MVP KOSHER, FACILITY WIDE - The employer did not ensure that employees utilized a procedure to afford them the equivalent protection of personal lock-out/tag-out while performing nightly group cleaning activities on machines such as but not limited to the tumbler, thereby exposing employees to crushing, caught-in, and struck-by injuries, on or about February 9, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) with defect(s) or in any way unsafe had not been withdrawn from service until restored to safe operating condition(s):

- (a) MVP KOSHER, OUTSIDE THE FACILITY - The employer allowed employees to continue to operate a Toyota 7FGU25 forklift (SN: 61297) with mechanical and electrical defects including improperly secured wheels, worn tires, and a disconnected horn which compromised the safety of the operator, on or about April 18, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 4000.00

Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven feet or less above floors or platforms were not enclosed:

- (a) MVP KOSHER, CUT-UP/PACKING ROOM - The chain and sprocket drive for the tumbler machine approximately thirty nine (39) inches above grade was not guarded from contact, thereby exposing employees traveling an aisle adjacent to the machine to caught-in injuries between the chain and sprockets, on or about February 9, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 4000.00

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: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- (a) MVP KOSHER, WASTE TANKS - Employees cleaning offal from the top of a waste tank along the exterior wall of the plant were not protected from electrocution while working near an open piece of conduit which contained energized 480 volt covered conductors which had been exposed to damage from the weight of the conduit and environmental conditions including but not limited to rain and ultraviolet light, on or about April 3, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/31/2012
\$ 5000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

- (a) MVP KOSHER, COMPRESSOR ROOM - Employees working around a 480 volt service panel were not protected from accidental contact and electrocution while the panel enclosure on both the north and south sides of the panel were removed, on or about February 9, 2012.
- (b) MVP KOSHER, COMPRESSOR ROOM - A 480 volt electrical panel cover was not effectively closed while employees operated breakers for light fixtures and operated the compressor equipment, thereby exposing employees to possible electric shock injuries and also injuries associated with the release of electrical sparks and fire, on or about February 9, 2012.
- (c) MVP KOSHER, BREAK ROOM - The covered conductors from a 110 volt AC adapter were removed from the protective enclosure and attachment plug prongs were pushed into a receptacle to for a Schlage Handpunch 3000 time clock, thereby exposing employees to electric shocks and fire hazards, on or about February 9, 2012.
- (d) MVP KOSHER, QUALITY ASSURANCE AREA - A flexible cord was removed from a lighting fixture and the exposed 110 volt energized conductors were not covered while employees washed and dried their hands, thereby exposing employees to electric shock injuries, on or about May 30, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

The alleged violations below (9a and 9b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation 1 Item 9a Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (e) of this paragraph:

- (a) MVP KOSHER, SHIPPING DEPARTMENT OFFICE - An extension cord was used used for prohibited purposes to power computer equipment which exposed employees to electric shock and fire hazards, on or about February 9, 2012.
- (b) MVP KOSHER, KILL AREA - A flexible cord energizing a 110 volt outlet box had damage to the outer insulation, thereby exposing employees to possible electric shock injuries when they plugged in and operated a Dayton 36" wall mounted fan, or about February 9, 2012.
- (c) MVP KOSHER, EVISCERATION ROOM - A flexible cable providing power to a 480 volt AC drive motor for the rehang conveyor had damage to the outer insulation while employees worked on the production line, thereby exposing employees to possible electric shock injuries, on or about February 9, 2012.
- (d) MVP KOSHER, BREAKROOM - An extension cord was used for prohibited purposes to power a Schlage Handpunch 3000 time clock, exposing employees to electric shocks, on or about February 14, 2012.
- (e) MVP KOSHER, PACKING LINE - An energized flexible cord entering a 480 volt equipment disconnect had a portion of the cord damaged and missing adjacent to the packers, thereby exposing employees to electric shock injuries, on or about May 30, 2012.
- (f) MVP KOSHER, FREEZER DOORS - An energized flexible cord entering a 480 volt equipment disconnect had a portion of the cord damaged and missing while a supervisor attached a lockout device, thereby exposing him to electric shock injuries, on or about May 30, 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: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 4000.00

Citation 1 Item 9b Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used in continuous lengths without splice or tap:

- (a) MVP KOSHER, SHIPPING DEPARTMENT - A flexible cord from a lighting fixture was spliced into a non-metallic cable and snap switch adjacent to combustible materials on the office wall, thereby exposing employees to possible fire hazards, on or about February 9, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 1 Item 10 Type of Violation: **Serious**

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) MVP KOSHER, KILL AREA - Employees used a flexible cord connected outlet box which was energized by 110 volt conductors and no strain relief was provided causing tension on the joints and terminal screws, thereby exposing employees to electric shock injuries, on or about February 9, 2012.
- (b) MVP KOSHER, CHEMICAL STORAGE ROOM - Employees used a flexible cord connected dual receptacle outlet box which was energized by 110 volt conductors and no strain relief was provided causing tension on the joints and terminal screws, thereby exposing employees to electric shock injuries, on or about June 20, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/31/2012

\$ 4000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.305(j)(2)(iv): Receptacles installed in wet or damp locations were not suitable for the location:

- (a) MVP KOSHER, PACKING DEPARTMENT - The employer permitted employees to use a 220 volt outlet which was covered by plastic and tape in a wet environment for maintenance and sanitization duties, to include welding and using a pressure washer, thereby exposing employees to possible electric shock injuries, on or about February 9, 2012.
- (b) MVP KOSHER, PACKING DEPARTMENT - The employer permitted employees to use a 220 volt outlet in a wet environment for maintenance and sanitization duties, to include welding and using a pressure washer, thereby exposing employees to possible electric shock injuries, on or about February 9, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/31/2012

\$ 4000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.333(a)(1): Live parts to which an employee could be exposed were not de-energized before the employee worked on or near them:

- (a) MVP KOSHER, COMPRESSOR ROOM - The employer permitted an employee to remove an enclosure from the live 480 volt main electrical panel to perform work, where the employee was not required to de-energize the equipment, thereby exposing the employee to possible electric shock injuries and electrocution, on or about February 9, 2012.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/31/2012
\$ 7000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

The alleged violations below (13a and 13b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation 1 Item 13a Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

- (a) MVP KOSHER, COMPRESSOR ROOM - The employer allowed an employee to enter the energized 480 volt 2000 amp main service panel for the facility to perform electrical equipment installation, without ensuring the employee was equipped with electrical personal protective equipment, thereby exposing the employee to possible electrocution and arc blast injuries, on or about February 9, 2012.
- (b) MVP KOSHER, EVISCERATION CONTROL ROOM - The employer allowed an employee to enter a 480 volt control panel to operate production line equipment, without ensuring the employee was equipped with electrical personal protective equipment, thereby exposing the employee(s) to possible electrocution and arc blast injuries, on or about May 30, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 1 Item 13b Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(v): Employees exposed to the danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion, did not wear protective equipment for the eyes or face:

- (a) MVP-KOSHER, COMPRESSOR ROOM - The employer allowed an employee to enter the energized 480 volt 2000 amp main service panel for the facility to perform electrical equipment installation, without ensuring the employee was equipped with electrical personal protective equipment to protect the eyes and face, thereby exposing the employee to possible electrocution and arc blast injuries, on or about February 9, 2012.
- (b) MVP KOSHER, EVISCERATION CONTROL ROOM - The employer allowed an employee to enter a 480 volt control panel to operate production line equipment, without ensuring the employee was equipped with electrical personal protective equipment to protect the eyes and face, thereby exposing the employee to possible electrocution and arc blast injuries, on or about May 30, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012



Citation and Notification of Penalty

Company Name: MVP-Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

The alleged violations below (14a and 14b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Citation 1 Item 14a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

- (a) MVP KOSHER, FACILITY WIDE - Employees were permitted to use hazardous cleaning products that contained hazardous and corrosive chemicals including Sodium Hydroxide and Sodium Hypochlorite, as well as other chemicals, including but not limited to hydraulic and lubricating oils. The employer did not develop a written hazard communication program to ensure the safe usage, transfer, and disposal of materials, thereby exposing employees to possible chemical burns, dermatitis and eye injuries, on or about February 9, 2012.

ABATEMENT NOTE

A written hazard communication program shall include descriptions of how the criteria for the following will be met:

1. Labeling and other forms of warning.
2. Material safety data sheets.
3. Employee information and training.

Additionally, a list of hazardous chemicals known to be present in the workplace must be completed. Methods used to inform employees of the hazards associated with non-routine tasks and the informing of contractors of workplace hazards must also be addressed. The written program must be made available upon request.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 4000.00

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: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 1 Item 14b Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

- (a) MVP KOSHER, FACILITY WIDE - The employer did not inform and train employees on the hazards of the products and chemicals that employees were required to use, including but not limited to Sodium Hydroxide and Sodium Hypochlorite, as well as hydraulic and lubricating oils, thereby exposing employees to possible chemical burns, dermatitis, and eye injuries, on or about February 9, 2012.

ABATEMENT NOTE:

Employees shall be informed of the following:

1. The requirements of this section.
2. Any operations where hazardous chemicals are present.
3. The location and availability of the written Hazard Communications program, list(s) of hazardous chemicals in the facility, and material safety data sheets.

Employee training shall include at least:

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
2. The physical and health hazards of the chemicals in the work area.
3. The measures that employees can take to protect themselves such as specific procedures and personal protective equipment to be used.
4. The details of the Hazard Communication program including an examination of the labeling system, material safety data sheets, and how employees can obtain and use of the appropriate hazard information.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:

08/31/2012



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1910.23(a)(2): Ladderway floor opening(s) or platform(s) were not provided with swinging gates or were not so offset that a person could not walk directly into the opening:

- (a) MVP KOSHER, CHEMICAL STORAGE ROOM - Sanitation employees utilizing a changing room above the chemical storage room were exposed to falling approximately eight (8) feet to the floor below while no guardrails were installed around the ladderway floor opening, on or about June 20, 2012.

MVP KOSHER FOODS, LLC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD 1910.23(a)(2) OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 112903075, CITATION NUMBER 01; ITEM NUMBER 005A AND WAS AFFIRMED AS A FINAL ORDER ON AUGUST 8, 2010, WITH RESPECT TO A WORKPLACE LOCATED AT 1100 LINCOLN ROAD, BIRDSBORO, PENNSYLVANIA.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 30000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 2 Type of Violation: Repeat

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

- (a) MVP KOSHER, OUTSIDE WASTE (EQ) TANKS - Employees working on top of two waste tanks cleaning poultry offal from the tanks were exposed to falling approximately sixteen (16) feet to grade while the standard guardrails were down, on or about April 3, 2012.

MVP KOSHER FOODS, LLC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD 1910.23(c)(1) OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 112903075, CITATION NUMBER 01, ITEM NUMBER 005C AND WAS AFFIRMED AS A FINAL ORDER ON AUGUST 8, 2010, WITH RESPECT TO A WORKPLACE LOCATED AT 1100 LINCOLN ROAD, BIRDSBORO, PENNSYLVANIA.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 35000.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 3 Item 1 Type of Violation: Other

29 CFR 1904.32(a): The employer did not post an OSHA 300A Form or equivalent from February 1, 2012 through April 30, 2012.

- (a) MVP KOSHER, EMPLOYEE BREAK ROOM - The employer failed to complete and post the 2011 OSHA 300A form for employees to see, on or about February 9, 2012.

No abatement certification or documentation required.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$ 1000.00

Citation 3 Item 2 Type of Violation: Other

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or likely to be present, which necessitated the use of personal protective equipment (PPE):

- (a) MVP KOSHER, FACILITY WIDE - The employer did not assess hazards and determine what personal protective equipment would effectively protect employees, including but not limited to safety glasses and safety gloves, thereby exposing employees to possible injuries, on or about February 9, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 0.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 3 Item 3 Type of Violation: Other

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

- (a) MVP KOSHER, CHEMICAL STORAGE ROOM - Employees used a dual receptacle outlet box which was energized by 110 volt conductors as an extension cord, thereby exposing employees to electric shock injuries, on or about June 20, 2012.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/31/2012
\$ 0.00



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultr
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 3 Item 4 Type of Violation: Other

29 CFR 1910.305(b)(1)(ii): Openings through which conductors enter boxes, cabinets, or fittings were not effectively closed:

- (a) MVP KOSHER, COMPRESSOR ROOM - A 480 volt control panel had missing knockouts which were not effectively closed while employees made adjustments to and operated the compressors, thereby exposing employees to possible electric shock injuries and also injuries associated with the release of electrical sparks and fire, on or about February 9, 2012.
- (b) MVP KOSHER, COMPRESSOR ROOM ENTRANCE - A 480 volt electrical disconnect had a missing knockout which was not effectively closed, thereby exposing employees to possible electric shock injuries and also injuries associated with the release of electrical sparks and fire, on or about February 9, 2012.

Abatement certification required within 10 days after the abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 08/31/2012
Proposed Penalty: \$ 0.00



KEVIN G. KILP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
Progress Plaza
49 North Progress Avenue
Harrisburg, PA 17109
Phone: (717)782-3902 FAX: (111)222-3333



Citation and Notification of Penalty

To:
MVP Kosher Foods, LLC a/k/a Mehadrin Kosher
Poultry, LLC
and its successors
1100 Lincoln Road
Birdsboro, PA 19508

Inspection Number: 315888503
Inspection Date(s): 04/17/2012-04/17/2012
Issuance Date: 08/07/2012

Inspection Site:
1100 Lincoln Road
Birdsboro, PA 19508

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.

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 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.

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 states that 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 the front page); 3) the citation and 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.

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.

Inspection Activity Data - 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 these alleged violations will be posted when our system indicates that you have received this citation. 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

KEVIN G. KILP, Area Director
U.S. Department of Labor - OSHA
Progress Plaza
49 North Progress Avenue
Harrisburg, PA 17109
Phone: (717)782-3902

MVP Kosher Foods, LLC a/k/a Mehadrin Kosher Poultry, LLC
1100 Lincoln Road
Birdsboro, PA 19508

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

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 08/07/2012. The conference will be held at the OSHA office located at Progress Plaza, 49 North Progress Avenue, Harrisburg, PA, 17109 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.95(c)(1): A continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (n) was not instituted when employee noise exposures equaled or exceeded an 8 hour time weighted average sound level (TWA) of 85 dBA:

- (a) MVP Kosher Foods, LLC - The employee working on the Picking Line was exposed to a Time Weighted Average of 112.9 "A" weighted decibels (dBA) for the 476 minutes sampled, on or about April 17, 2012. The unsampled 4 minutes was assumed to be zero exposure.
- (b) MVP Kosher Foods, LLC - The employee working on the Picking Line was exposed to a Time Weighted Average of 95.7 "A" weighted decibels (dBA) for the 473 minutes sampled, on or about April 17, 2012. The unsampled 7 minutes was assumed to be zero exposure.
- (c) MVP Kosher Foods, LLC - The employee working on the Picking Line was exposed to a Time Weighted Average of 94.8 "A" weighted decibels (dBA) for the 475 minutes sampled, on or about April 17, 2012. The unsampled 5 minutes was assumed to be zero exposure.

ABATEMENT NOTE:

A comprehensive, effective hearing conservation program consisting of the following elements shall be developed and implemented for all employees whose exposure equals or exceeds 85 dBA on an 8-hour time weighted average:

1. Initial exposure monitoring and periodic reassessment of employees to determine noise exposures.
2. Establishment and maintenance of an audiometric testing program.
3. Provision and enforcement of hearing protection devices where required.
4. Institution of an initial training program for employees, as well as annual refresher training, including information on the hazards of noise, purpose of audiometric testing, and proper use of hearing protectors.

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: MVP Kosher Foods, LLC a/k/a Mehadrin Kosher
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

- 5. Maintenance of records as they relate to employee exposure measurements, medical examinations, and training.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

Date By Which Violation Must be Abated: 09/09/2012
Proposed Penalty: \$ 7000.00



KEVIN G. KILP
Area Director