

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: (973)263-1003 FAX: (215)597-1956



Citation and Notification of Penalty

To:
Plastico Products LLC
and its successors
34 Loretto St.
Irvington, NJ 07111
Attention: Shimshon Jalas, Owner
Inspection Site:
34 Loretto St.
Irvington, NJ 07111

Inspection Number: 316089804
Inspection Date(s): 11/30/2011-05/11/2012
Issuance Date: 05/14/2012

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

Kris Hoffman, Area Director
U.S. Department of Labor - OSHA
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: (973)263-1003

Plastico Products LLC
34 Loretto St.
Irvington, NJ 07111

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 05/14/2012. The conference will be held at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ, 07054 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

Citation 1 Item 1a 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) Extruder Area

Employees working as packers were exposed to continuous noise levels that were equivalent to 258%, 208%, and 189.2% of the allowable dose of 100%, or 90dBA for an 8 hour Time Weighted Average. These exposures, which are equivalent to an 8 hour Time Weighted Average of 96.8dBA, 95.3dBA, and 94.6dBA respectively, exceeded the Action Level of 50% or 85dBA. The sample times were 426 minutes, 430 minutes, and 449 minutes respectively. Zero exposure was assumed for the unsampled time periods of 54 minutes, 50 minutes, and 31 minutes respectively.

b) Re grind Area

An employee working as a grinder was exposed to a continuous noise level that was equivalent to 243% of the allowable dose of 100%, or 90dBA for an 8 hour Time Weighted Average. This exposure, which is equivalent to an 8 hour Time Weighted Average of 96.4dBA, exceeded the Action Level of 50% or 85dBA. The sample time was 426 minutes. Zero exposure was assumed for the unsampled time period of 54 minutes.

Violation occurred on or about 12/20/11.

Date By Which Violation Must be Abated:	06/28/2012
Proposed Penalty:	\$ 4200.00

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: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

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

29 CFR 1910.95(d)(1): When information indicated that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer did not develop and implement a monitoring program:

a) Facility

The employer did not monitor noise exposures for employees who are exposed to noise from equipment such as the extruder machines and grinders.

Violation disclosed on or about 12/20/11.

Date By Which Violation Must be Abated: **Corrected During Inspection**

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

29 CFR 1910.95(g)(1): An audiometric testing program was not established and maintained for all employees whose noise exposure equaled or exceeded an 8 hour time weighted average of 85 DBA:

a) Facility

The employer did not establish an audiometric testing program for employees whose noise exposure exceeded the 8 hour Time Weighted Average of 85 dBA while performing packing activities near the extruder and grinding machines.

Violation disclosed on or about 12/20/11.

Date By Which Violation Must be Abated: **06/28/2012**



Citation and Notification of Penalty

Company Name: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

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

29 CFR 1910.95(i)(2)(ii)(a): The wearing of hearing protectors was not ensured for employees exposed to an 8 hour time weighted average of 85 dBA or greater who had not yet had a baseline audiogram established:

a) Facility

The employer did not ensure that employees, who performed activities near the extruder and grinding machines, wore hearing protection while exposed to noise over 85 dba as an 8 hour time weighted average and before the employees had a baseline audiogram.

Violation disclosed on or about 11/30/11.

Date By Which Violation Must be Abated: **Corrected During Inspection**

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

29 CFR 1910.95(k)(1): A training program was not instituted for all employees who were exposed to noise at or above an 8 hour time weighted average of 85 dBA:

a) Facility

The employer did not institute a training program for employees performing packing activities near the extruder and grinding machines and exposed to noise above the 8 hour Time Weighted Average of 85 dBA.

Violation disclosed on or about 09/22/11.

Date By Which Violation Must be Abated: **06/28/2012**

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: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

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

29 CFR 1910.134(c)(1): Where the employer required employees to wear respirators, the employer did not establish and implement a written respiratory protection program with required worksite-specific procedures and elements specified in (c)(1)(i) through (c)(1)(ix):

a) Facility

The employer did not establish and implement a written respiratory protection program for employees required to wear 3M 8110S N95 Particulate respirators.

Violation disclosed on or about 11/30/11.

Date By Which Violation Must be Abated:	06/07/2012
Proposed Penalty:	\$ 1800.00



Citation and Notification of Penalty

Company Name: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or was required to use the respirator in the workplace:

a) Facility

Employees required to wear a respirator such as, but not limited to, 3M 8110S N95 Particulate respirator, were not provided with a medical evaluation prior to the use of the respirator in the workplace.

Violation disclosed on or about 11/30/11.

Date By Which Violation Must be Abated: 06/07/2012

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

29 CFR 1910.134(k)(1): The employer did not ensure employees were provided with effective training when employees were required to use respirators, and did not ensure that employees could demonstrate knowledge as required in (k)(1)(i)-(k)(1)(vii).

a) Facility

The employer did not provide effective training to employees required to wear respirators such as, but not limited to, 3M 8110S N95 Particulate respirators.

Violation disclosed on or about 11/30/11.

Date By Which Violation Must be Abated: 06/07/2012

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: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness.

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

29 CFR 1910.1200 (e)(1): The employer did not implement, or maintain a written Hazard Communication Program which at least describes how the criteria in 29 CFR 1910.1200 (f), (g), and (h) will be met:

a) Facility

The employer did not implement and maintain the written hazard communication program for employees exposed to hazardous chemicals such as, but not limited to, polystyrene vapor, zinc stearate (which is added during the extrusion process) and propane (which is used during the heating of the plastic).

Violation disclosed on or about 12/20/11.

Date By Which Violation Must be Abated:	06/07/2012
Proposed Penalty:	\$ 2400.00



Citation and Notification of Penalty

Company Name: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

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

29 CFR 1910.1200(e)(1)(i): The written hazard communication program did not include a list of the hazardous chemicals known to be present using an identity that was referenced on the appropriate material safety data sheet:

a) Facility

The written hazard communication program did not include a list of hazardous chemicals present at the company.

Violation disclosed on or about 11/30/11.

Date By Which Violation Must be Abated: 06/07/2012

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

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used:

a) Facility

The employer did not have material safety data sheets for hazardous chemicals such as, but not limited to, propane which is used to heat the plastic and zinc stearate added during the extrusion process.

Violation occurred on or about 11/30/11.

Date By Which Violation Must be Abated: 06/07/2012



Citation and Notification of Penalty

Company Name: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111

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

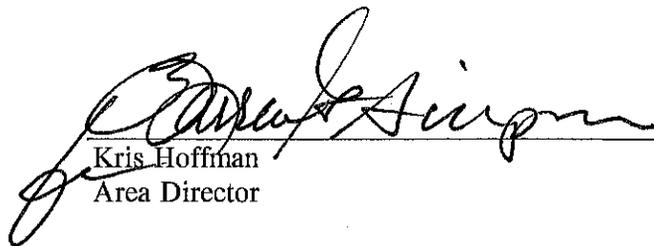
29 CFR 1910.1200(h)(1): Employees were not provided with effective information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

a) Facility

The employer did not provide effective information and training for employees required to use hazardous chemicals such as, but not limited to, polystyrene vapor, propane used to heat the plastic and zinc stearate which is added during the extrusion process.

Violation disclosed on or about 12/20/11.

Date By Which Violation Must be Abated: 06/07/2012



Kris Hoffman
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

299 Cherry Hill Road

Suite 103

Parsippany, NJ 07054

Phone: (973)263-1003 FAX: (215)597-1956

OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Plastico Products LLC
Inspection Site: 34 Loretto St., Irvington, NJ 07111
Issuance Date: 05/14/2012

Summary of Penalties for Inspection Number 316089804

Citation 1, Serious	= \$	8400.00
TOTAL PROPOSED PENALTIES	= \$	8400.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

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

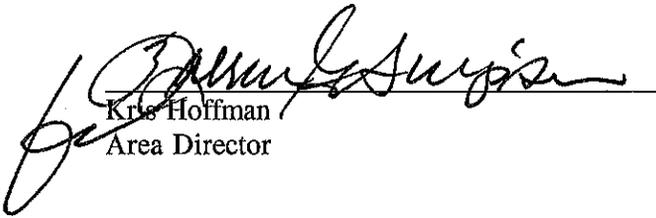
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

Interest. Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. 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.


Kris Hoffman
Area Director

5/14/2012
Date