

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Suite A  
5807 Breckenridge Parkway  
Tampa, FL 33610  
Phone: (813)626-1177 FAX: (813)626-7015



## Citation and Notification of Penalty

**To:**  
Sea World of Florida LLC  
and its successors  
6600 Sea Harbor Drive  
Orlando, FL 32821

**Inspection Number:** 314336850  
**Inspection Date(s):** 02/24/2010 - 08/23/2010  
**Issuance Date:** 08/23/2010

**Inspection Site:**  
7007 Sea Harbor Drive  
Orlando, FL 32821

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

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

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

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may 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 3 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.

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.

## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 08/23/2010. The conference will be held at the OSHA office located at Suite A, 5807 Breckenridge Parkway, Tampa, FL, 33610 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** Sea World of Florida LLC  
**Inspection Site:** 7007 Sea Harbor Drive, Orlando, FL 32821

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

29 CFR 1910.23(d)(1)(iii): Flight(s) of stairs with 4 or more risers, less than 44 inches wide and having both sides open were not equipped with one standard stair railing on each side:

Instance a) Employees were exposed to a 10'3" fall hazard in that, a stairway railing system was not installed on the front side left bridge of the Believe stage in Shamu Stadium.

Instance b) Employees were exposed to a 10'3" fall hazard in that, a stairway railing system was not installed on the front side right bridge of the Believe stage in Shamu Stadium

**ABATEMENT DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 09/02/2010  
Proposed Penalty: \$ 5000.00



**Citation and Notification of Penalty**

**Company Name:** Sea World of Florida LLC  
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**Citation 2 Item 1** Type of Violation: **Willful**

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:

- a) At the Shamu Stadium pools, animal trainers working with Tilikum, a killer whale with known aggressive tendencies and who was involved in the 1991 death of a whale trainer at a marine park in Vancouver, British Columbia, were exposed to struck-by and drowning hazards in that they were allowed unprotected contact with Tilikum while conducting "drywork" performances on pool ledges, slideouts and platforms, on or about 2/24/2010.

Among other methods, one feasible and acceptable means of abatement would be to not allow animal trainers to have any contact with Tilikum unless they are protected by a physical barrier.

- b) At the Shamu Stadium pools, animal trainers working with killer whales other than Tilikum were exposed to struck-by and drowning hazards in that they were allowed to engage in "waterwork" and "drywork" performances with the killer whales without adequate protection, on or about 2/24/2010.

Among other methods, feasible and acceptable means of abatement would prohibit animal trainers from working with killer whales, including "waterwork" or "dry work", unless the trainers are protected through the use of physical barriers or through the use of decking systems, oxygen supply systems or other engineering or administrative controls that provide the same or a greater level of protection for the trainers.

**ABATEMENT DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 09/02/2010  
Proposed Penalty: \$ 70000.00



**Citation and Notification of Penalty**

**Company Name:** Sea World of Florida LLC  
**Inspection Site:** 7007 Sea Harbor Drive, Orlando, FL 32821

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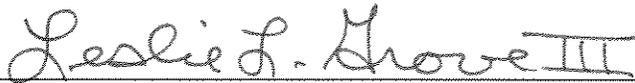
**Citation 3 Item 1** Type of Violation: **Other**

29 CFR 1910.305(j)(2)(v): Receptacle installed outdoors in a location protected from the weather or in other damp locations shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed).

a) At the Shamu Stadium, weather proof enclosures were missing from electrical receptacles located within the main Shamu Stadium, observed on or about 3/5/2010.

**ABATEMENT DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 09/25/2010  
Proposed Penalty: \$ 0.00

  
\_\_\_\_\_  
Leslie L. Grove III  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Suite A  
5807 Breckenridge Parkway  
Tampa, FL 33610  
Phone: 813-626-1177 FAX: 813-626-7015



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Sea World of Florida LLC  
**Inspection Site:** 7007 Sea Harbor Drive, Orlando, FL 32821  
**Issuance Date:** 08/23/2010

**Summary of Penalties for Inspection Number 314336850**

<b>Citation 1, Serious</b>	= \$	<b>5000.00</b>
<b>Citation 2, Willful</b>	= \$	<b>70000.00</b>
<b>Citation 3, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>75000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Please make your check or money order payable to: "DOL-OSHA", and submit to 5807 Breckenridge Parkway, Suite A, Tampa, FL 33610-4249. 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.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy the 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 with 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 two (2) times.

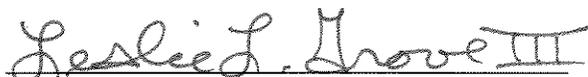
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

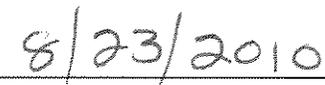
due and payable (penalty due date). The current interest rate is four percent (4%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the 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.



Leslie L. Grove III  
Area Director

  
Date

U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

GUIDELINES FOR PREPARING A NOTIFICATION OF CORRECTIVE ACTION

**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.

**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 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](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

**NOTE: NON-CERTIFICATION OF ABATEMENT CAN RESULT IN ADDITIONAL PENALTIES BEING ASSESSED!**

**Please Reply To The Attention Of: Karen Stone**

Sea World of Florida LLC  
7007 Sea Harbor Drive,  
Orlando, FL 32821

The hazard referenced in Inspection Number 314336850 for the violation identified as:

**EXAMPLE: Citation No. 1, Item 1, Instance (a) was corrected on January 1, 2001, by installing a lower blade guard on the Radial Arm Saw.**

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_ by the following method: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_ by the following method: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_ by the following method: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_ by the following method: \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_ by the following method: \_\_\_\_\_.

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