

Este documento es muy importante. Si ud. habla inglés,
busque un traductor o llame al (770) 493-6644.

U.S. Department of Labor Occupational Safety and Health Administration
2296 Henderson Mill Road Suite 200
Atlanta, GA 30345
Phone: (770) 493-6644 Fax: (770) 493-7725



January 19, 2018

Dear Frank Sheley,

On 08/01/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 950 INDUSTRIAL BLVD Gainesville, GA 30501. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

William C. Fulcher, Area Director

Your Citation Summary
Koch Foods of Gainesville, LLC
Inspection Number: 1251423

Total Amount Due: \$44161.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 8
Your First Correction Deadline is:
02/14/2018

**Step 1 – Choose a Response
Option and
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (770) 493-6644.

Step **1** – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: William C. Fulcher, Area Director, at (770) 493-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

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2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 __ / __

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days** after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.

 __ / __

2. Pay the Total Penalty by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 __ / __

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

 __ / __

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345
Phone: 770-493-6644 Fax: 770-493-7725



Citation and Notification of Penalty

To:
Koch Foods of Gainesville, LLC
and its successors
329 OAK ST
Ste 1
Gainesville, GA 30501

Inspection Number: 1251423
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018

Inspection Site:
950 INDUSTRIAL BLVD
Gainesville, GA 30501

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 either call to schedule an informal conference (see paragraph below) or 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 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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/19/2018. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1251423

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501
Issuance Date: 01/19/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Typed or Printed Name

Date

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

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

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

a) Koch Foods of Gainesville, LLC - An employee operating a pallet jack was exposed to noise levels of 89.2 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. The exposure was derived from a sample taken over 514 minutes. A noise monitoring program for employees operating the pallet jack was not implemented, on or about 8/2/17.

b) Koch Foods of Gainesville, LLC - An employee working at the dumping station of line #1 was exposed to noise levels of 91 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. The exposure was derived from a sample taken over 519 minutes. A noise monitoring program for employees working at the dumping station was not implemented, on or about 8/2/17.

c) Koch Foods of Gainesville, LLC - An employee working at the dumping station of line #1 was exposed to noise levels of 89.5 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. The exposure was derived from a sample taken over 451 minutes. A noise monitoring program for employees working at the dumping station was not implemented, on or about 8/2/17.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$12934.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k):

- a) Koch Foods of Gainesville, LLC - An employee operating a pallet jack was exposed to noise levels of 89.2 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. Noise training was not conducted for the pallet jack operators, on or about 8/2/17.
- b) Koch Foods of Gainesville, LLC - An employee working at the dumping station of line #1 was exposed to noise levels of 91 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. Noise training was not conducted for the employees working at the line #1 dumping station, on or about 8/2/17.
- c) Koch Foods of Gainesville, LLC - An employee working at the dumping station of line #1 was exposed to noise levels of 89.5 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. Noise training was not conducted for the employees working at the line #1 dumping station, on or about 8/2/17.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/14/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.95(g)(1): The employer did not establish and maintain an audiometric testing program as provided by 29 CFR 1910.95(g) by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels:

- a) Koch Foods of Gainesville, LLC - An employee operating a pallet jack was exposed to noise levels of 89.2 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. An audiometric testing program was not implemented for the pallet jack operators, on or about 8/2/17.
- b) Koch Foods of Gainesville, LLC - An employee working at the dumping station of line #1 was exposed to noise levels of 91 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. An audiometric testing program was not implemented for the employees working at the line #1 dumping station, on or about 8/2/17.
- c) Koch Foods of Gainesville, LLC - An employee working at the dumping station of line #1 was exposed to noise levels of 89.5 dBA which exceeded the extended workshift hours noise action level of 84.2 dBA. An audiometric testing program was not implemented for the employees working at the line #1 dumping station, on or about 8/2/17.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/08/2018
\$12934.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1251423
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

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

29 CFR 1910.1030(c)(2)(i)(A): The exposure determination did not include a list of all job classifications in which all employees in those job classifications had occupational exposure:

Koch Foods of Gainesville, LLC - The company nurse was exposed to blood and/or body fluids while performing duties such as but not limited to, first aid from lacerations and injecting flu vaccines. The exposure control plan (ECP) exposure determination did not include the nurse, on or about 8/2/17.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$10163.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1251423
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.1030(f)(1)(i): The employer did not make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure:

Koch Foods of Gainesville, LLC - The company nurse was exposed to blood and/or body fluids while performing duties such as but not limited to, first aid from lacerations and injecting flu vaccines. The hepatitis B vaccine was not offered to include the nurse, on or about 8/2/17.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

02/14/2018

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1251423
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.1030(g)(2)(i): The employer did not ensure that each employee with occupational exposure participated in a training program:

Koch Foods of Gainesville, LLC - The company nurse was exposed to blood and/or body fluids while performing duties such as but not limited to, first aid from lacerations and injecting flu vaccines. The nurse did not participate in the bloodborne training program, on or about 8/2/17.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

02/14/2018

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1251423
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

Koch Foods of Gainesville, LLC - The emergency eye wash station was located outside the engine room and did not have enough water pressure to reach employees' eyes in the event of an emergency, on or about 8/1/17.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$8130.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1251423
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not annually fit tested:(a)

Koch Foods of Gainesville, LLC - A maintenance employee required to use a full face, tight fitting respirator did not have a fit test within 12 months from the prior year, on or about 8/1/17.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$0.00


for William C. Fulcher
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345
Phone: 770-493-6644 Fax: 770-493-7725



INVOICE / DEBT COLLECTION NOTICE

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501
Issuance Date: 01/19/2018

Summary of Penalties for Inspection Number	1251423
Citation 1, Serious	\$44161.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$44161.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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

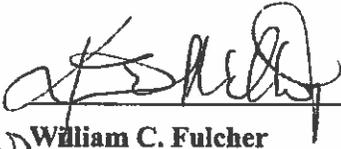
account, the bank will attempt to make the transfer up to 2 times.

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 one percent (1%). 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.


for William C. Fulcher
Area Director

1/19/2018
Date

Este documento es muy importante. Si ud. no habla inglés,
busque un traductor o llame al (770) 493-6644.

U.S. Department of Labor

Occupational Safety and Health Administration
2296 Henderson Mill Road Suite 200
Atlanta, GA 30345
Phone: (770) 493-6644 Fax: (770) 493-7725



January 19, 2018

Dear Frank Sheley,

On 08/01/2017, an OSHA compliance officer met with you or your representative as part of an inspection at 950 INDUSTRIAL BLVD Gainesville, GA 30501. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

William C. Fulcher, Area Director

Your Citation Summary
Koch Foods of Gainesville, LLC
Inspection Number: 1252926

Total Amount Due: \$164816.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 12
Your First Correction Deadline is:
02/14/2018

**Step 1 – Choose a Response
Option and
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (770) 493-6644.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: William C. Fulcher, Area Director, at (770) 493-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

 ___ / ___

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 ___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days** after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.

 ___ / ___

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 ___ / ___

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

 ___ / ___

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345
Phone: 770-493-6644 Fax: 770-493-7725



Citation and Notification of Penalty

To:
Koch Foods of Gainesville, LLC
and its successors
329 OAK ST
Ste 1
Gainesville, GA 30501

Inspection Site:
950 INDUSTRIAL BLVD
Gainesville, GA 30501

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018

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 either call to schedule an informal conference (see paragraph below) or 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 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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/19/2018. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1252926

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501
Issuance Date: 01/19/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.28(b)(1)(i): Each employee on a walking/working surface having an unprotected side or edge which was four feet (1.2m) or more above a lower level was not protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

On 8/1/17, at the Gainesville, Georgia facility, employees were exposed to slip and fall hazards as there was no fall protection provided in the following locations:

- a Ice House, platform 52 in. above lower levels
- b Blast Freezer (6 units) - 9 ft. from lower levels
- c Stair platform in Engine Room, 19 in. gap in guardrails – 51.5 in. above lower levels
- d Maintenance Storage Area, 10 ft. fall to lower levels
- e Refrigeration equipment platform (outside) 3 ft. gap of railing was never installed, fall heights greater than 10 ft.
- f @ Valve group at AHU 17 located near edge of roof, falls greater than 10 ft.
- g Outside the Engine Room, fall hazard of 53 inches where chain link fence was never installed to protect fall area

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$12934.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.28(b)(3)(ii): The employer did not ensure each employee is protected from tripping into or stepping into or through any hole that is less than 4 feet (1.2 m) above a lower level by covers or guardrail systems.

On 8/1/17, at the Gainesville, Georgia facility, in the engine room, the employer did not ensure walking surfaces were repaired or covered where equipment had been removed. Pits measuring 21 inches deep and 2 feet wide were left exposed.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$6097.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s).

On 8/3/17, at the Gainesville, Georgia facility, employees were using lockout designated locks that were not identified as to which employee was applying the lock.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/08/2018
\$12934.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.147(c)(6)(i)(C): Where lockout was used for energy control, the periodic inspection did not include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

On or about 8/1/17, at the Gainesville, Georgia facility, the employer had not performed a periodic inspection to include specific written procedures and a review with Authorized employees at the facility.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/08/2018
\$10163.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not 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.

On 8/3/17, at the Gainesville, Georgia facility, Affected employees were performing designated Authorized employee work and had not received training for how to perform that work safely.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

03/08/2018
\$12934.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i..

On 8/1/17, at the Gainesville, Georgia facility, in the Ammonia engine room, employees used compressed air set at >30 psi to clean off compressors.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$8130.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident.

On 8/1/17, at the Gainesville, Georgia facility, in the Engine Room, electrical breaker panels were not labeled to clearly indicate its purpose. Multiple labels were on the panels confusing the accurate label for each breaker.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$6097.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i).

On 8/1/17, at the Gainesville, Georgia facility, in the Engine Room, breakers had been removed from electrical panels employees accessed and spaces left unguarded exposing live parts in the panels.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$8130.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy.

On 8/1/17, at the Gainesville, Georgia facility, employees were exposed to live parts as receptacles that were in use were not equipped with faceplates.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$6097.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.305(j)(2)(iv): A receptacle installed in a wet or damp location was not suitable for the location.

On 8/1/17, at the Gainesville, Georgia facility, in the production area, employees were exposed to electrical hazards as wall mounted and hanging receptacles installed in areas where sanitation activities occur daily were not equipped with adequate covers to prevent electrical parts from being exposed to water and other wet applications.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$10163.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks.

On 8/1/17, at the Gainesville, Georgia facility, employees were exposed to amputation hazards as various machines were not guarded. Instances include:

- a. Wing Wheels - where the wheel is turning and meets a guide bar employees are exposed to in running nip points
- b. MSC Room box dumper - area underneath where bin rises and returns is not guarded leaving employees exposed to crushed by/struck by hazards
- c. Engine Room - Fan Boosters (6 count) - turning mechanism not guarded
- d. MDM Transfer belt (conveyor) in MSC Room -nip point not guarded

Koch Foods of Cincinnati, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.212(a)(1), which was contained in OSHA inspection number 1108927, citation number 1, item number 1 and was affirmed as a final order on 6/17/2016, with respect to a workplace located at 4100 Point Union Road, Fairfield, Ohio.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$71137.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1252926
Inspection Date(s): 08/01/2017 - 10/12/2017
Issuance Date: 01/19/2018



Citation and Notification of Penalty

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

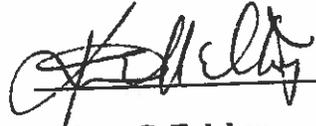
29 CFR 1910.303(g)(1)(i)(A): For electric equipment operating at 600 volts, nominal, or less to ground, and likely to require examination, adjustment, servicing, or maintenance while energized, the depth of the working space in the direction of access to live parts (as measured from the live parts where they were exposed or from the enclosure front or opening where they were enclosed) was less than indicated in Table S-1 of Subpart S of Part 1910.

On 8/1/17, at the Gainesville, Georgia facility, in the MSC Room, the working space in front of the knife switch/disconnect for the MSC debone machine was 16 inches.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

02/14/2018
\$0.00


for William C. Fulcher
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345
Phone: 770-493-6644 Fax: 770-493-7725



INVOICE / DEBT COLLECTION NOTICE

Company Name: Koch Foods of Gainesville, LLC
Inspection Site: 950 INDUSTRIAL BLVD, Gainesville, GA 30501
Issuance Date: 01/19/2018

Summary of Penalties for Inspection Number	1252926
Citation 1, Serious	\$93679.00
Citation 2, Repeat	\$71137.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$164816.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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 one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



William C. Fulcher
for Area Director

1/19/2018

Date