

U.S. Department of Labor
Occupational Safety and Health Administration
43 Kline Village
Harrisburg, PA 17104
Phone: 717-782-3902 Fax: 717-782-3746



Citation and Notification of Penalty

To:
Birdsboro Kosher Farms Corporation
1100 Lincoln Road
Birdsboro, PA 19508

Inspection Number: 1131470
Inspection Date(s): 03/02/2016 - 07/06/2016
Issuance Date: 09/02/2016

Inspection Site:
1100 Lincoln Road
Birdsboro, PA 19508

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you 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.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/02/2016. The conference will be held by telephone or at the OSHA office located at 43 Kline Village, Harrisburg, PA 17104 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1131470

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508
Issuance Date: 09/02/2016

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, 43 Kline Village, Harrisburg, PA 17104**

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk were not guarded:

- a) Northeast side of Picking Room 2 - On or about May 11, 2016, employees, slicing poultry shanks, were exposed to an inadequately guarded walking-working surface or floor hole in that there was an unguarded 3-inch opening between the end of the frame and the grate surface material.
- b) Northwest end of Evisceration Room - On or about July 6, 2016, employees, cleaning the area during the workday, were exposed to an inadequately guarded walking-working surface or floor hole in that there was an unguarded 10-inch opening between the end of the grate surface and the end of the waste trough.
- c) Northwest end of Evisceration Room - On or about July 6, 2016, employees, cleaning the area during the workday, were exposed to an inadequately guarded walking-working surface or floor hole in that there was an unguarded 6-inch waste trough between the floor and the stainless steel barrier guarded only by a single chain waist-high to a smaller than average man.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/21/2016
\$5880.00



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.36(g)(2): Exit access(es) were not at least 28 inches (71.1 cm) wide at all points:

- a) Central Access for the Evisceration Room Line - On or about July 6, 2016, the exit route for employees working at the evisceration line was only 21 inches wide between the chicken hanger conveyer and the salted chicken conveyer.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/21/2016
\$5880.00



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

Citation 2 Item 3 a Type of Violation: **Serious**

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

- a) Picking Room 2 - On or about May 11, 2016, the employer had not ensured that the direction of travel to the nearest exit was plainly marked with signs for employees, slicing poultry shanks.
- b) Central Access for the Evisceration Room Line - On or about May 11, 2016, the employer had not ensured that the direction of travel to the nearest exit was plainly marked with signs for employees, working the evisceration line.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/21/2016
Proposed Penalty:	\$5880.00



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 3 b Type of Violation: **Serious**

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g. closet):

- a) Picking Room 2 - On or about March 30, 2016, the door from the Evisceration Room to Picking Room 2 was not labeled 'Not an Exit' or with 'Picking Room 2' when it lead to Picking Room 2.
- b) Chemical Room - On or about July 6, 2016, the door from the Evisceration Room to the Chemical Room was not labeled 'Not an Exit' or with 'Chemical Room' when it lead to the Chemical Room.
- c) Break Room - On or about July 6, 2016, the door from the Evisceration Room to the Break Room was not labeled 'Not an Exit' or with 'Break Room' when it lead to the Break Room.
- d) Process Room - On or about July 6, 2016, the double doors from the Process Room to the Evisceration Room were not labeled 'Not an Exit' or with 'Evisceration Room' when it lead to the Evisceration Room.
- e) Process Room - On or about July 6, 2016, the door from the Process Room to the Cooler was not labeled 'Not an Exit' or with 'Cooler' when it lead to the Cooler.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/21/2016

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 4 Type of Violation: **Serious**

29 CFR 1910.95(b)(1): When employees were subjected to sound exceeding those listed in Table G-16, feasible administrative or engineering controls were not utilized:

- a) Picking Room - Picking I, Employees slicing chicken shanks, were exposed to continuous noise exposure levels of 1,662% of the permissible noise dose on March 30, 2016, or an equivalent noise exposure of approximately 110.3 dBA as an 8-hr. time weighted average (TWA). This sample was taken for 465 minutes during one workshift, using a 90 dB threshold dosimeter. Zero exposure was assumed for the unsampled 15 minutes of the workshift. Exposure to continuous noise in excess of permissible limits can result in permanent hearing loss. The employer had not ensured that feasible engineering and administrative controls had been implemented.
- b) Picking Room - Picking II, Employees slicing chicken shanks, were exposed to continuous noise exposure levels of 2,225% of the permissible noise dose on March 30, 2016, or an equivalent noise exposure of approximately 112.4 dBA as an 8-hr. time weighted average (TWA). This sample was taken for 413 minutes during one workshift, using a 90 dB threshold dosimeter. Zero exposure was assumed for the unsampled 67 minutes of the workshift. Exposure to continuous noise in excess of permissible limits can result in permanent hearing loss. The employer had not ensured that feasible engineering and administrative controls had been implemented.
- c) Picking Room - Picking I, Employees slicing chicken shanks, were exposed to continuous noise exposure levels of 640% of the permissible noise dose on March 2, 2016, or an equivalent noise exposure of approximately 103.4 dBA as an 8-hr. time weighted average (TWA). This sample was taken for 171 minutes during one workshift, using a 90 dB threshold dosimeter. Zero exposure was assumed for the unsampled 309 minutes of the workshift. Exposure to continuous noise in excess of permissible limits can result in permanent hearing loss. The employer had not ensured that feasible engineering and administrative controls had been implemented.

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

- d) Picking Room - Picking III, Employees slicing chicken shanks, were exposed to continuous noise exposure levels of 295% of the permissible noise dose on March 30, 2016, or an equivalent noise exposure of approximately 97.8 dBA as an 8-hr. time weighted average (TWA). This sample was taken for 81 minutes during one workshift, using a 90 dB threshold dosimeter. Zero exposure was assumed for the unsampled 399 minutes of the workshift. Exposure to continuous noise in excess of permissible limits can result in permanent hearing loss. The employer had not ensured that feasible engineering and administrative controls had been implemented.

Feasible controls applicable in these circumstances include, but are not limited to the following:

1. Picking room - Installation of barriers, baffles, sound-absorbing, or sound-damping materials to reduce employees' exposure to occupational noise.

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

Among other feasible means of abatement the employer could install noise damping enclosures around the employee stations made out of Plexiglas of a thickness, of a half inch or more in a single sheet thickness or encapsulating noise damping material, sufficient to attenuate the extreme noise levels from the picking machine motors, reducing the sound pressure waves and help limit the total employee noise exposures. The isolation enclosures would block the sound pressure waves from the picking machine motors, muffling and diffusing them as they interact with the surrounding food safe walls. The employer could also hang two separate but concentric overlapped PVC curtains from the 3-4 feet above the employee stations to about 1 foot below the employee stations around the entire perimeter of each employee station, reducing the sound pressure waves and help limit the total employee noise exposures. The isolation curtains would block the sound pressure waves from the picking machine motors, muffling and diffusing them as well as prevent the reflection and amplification of the sound pressure waves as they interact with the surrounding food safe walls. The employer could also exclusively purchase only the epoxy-sealed stainless steel motors to replace the motors lost to wear and attrition.

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: 1131470
Inspection Date(s): 03/02/2016 - 07/06/2016
Issuance Date: 09/02/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

The epoxy-sealed motors were measured to emit noise at 110.6 dBA, while the alternative resin-filled motors were measured to emit noise at 111.9 dBA; the difference between 110.6 dBA [1740%] and 111.9 dBA [2085%] was 345% of the dose or 3.5 days of exposure at the permissible exposure limit, cumulatively across the 40 motors per picking line the noise reduction impact could contribute meaningfully to a noise exposure control plan. The employer could also rotate employees through the Picking Room for 20 minutes of exposure and then to other locations with noise exposures less than 85 dBA time-weighted average for the entire rest of the day.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/30/2017
Proposed Penalty:	\$12471.00

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

The alleged violations below (5a, 5b, 5c and 5d) have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 5 a Type of Violation: **Serious**

29 CFR 1910.95(g)(7)(i): Each employee's annual audiogram was not compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift as defined in 29 CFR 1910.95(g)(10) has occurred:

- a) Picking Room - On or about May 4, 2016, the employer did not compare the overexposed employee's new annual audiogram with his baseline audiogram to determine that a 10 decibel (dB) Standard Threshold Shift had occurred when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 13.33 dB in the right ear in 2016.
- b) First Processing - On or about May 4, 2016, the employer did not compare the overexposed employee's new annual audiogram with his baseline audiogram to determine that a 10 decibel (dB) Standard Threshold Shift had occurred when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 63.33 dB in the right ear and 16.67 dB in the left ear in 2016.
- c) First Processing - On or about May 4, 2016, the employer did not compare the overexposed employee's new annual audiogram with his baseline audiogram to determine that a 10 decibel (dB) Standard Threshold Shift had occurred when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 21.33 dB in the right ear in 2016.
- d) First Processing - On or about May 4, 2016, the employer did not compare the overexposed employee's new annual audiogram with his baseline audiogram to determine that a 10 decibel (dB) Standard Threshold Shift had occurred when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 36.67 dB in the right ear and 40.00 dB in the left ear in 2015.

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

- e) First Processing - On or about May 4, 2016, the employer did not compare the overexposed employee's new annual audiogram with his baseline audiogram to determine that a 10 decibel (dB) Standard Threshold Shift had occurred when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 14.33 dB in the right ear and 16.00 dB in the left ear in 2015.

- f) First Processing - On or about May 4, 2016, the employer did not compare the overexposed employee's new annual audiogram with his baseline audiogram to determine that a 10 decibel (dB) Standard Threshold Shift had occurred when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 21.67 dB in the right ear in 2015.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/21/2016
Proposed Penalty:	\$12471.00



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 5 b Type of Violation: **Serious**

29 CFR 1910.95(g)(8)(ii)(B): Employees already using hearing protectors were not refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary:

- a) Picking Room - On or about May 4, 2016, the employer did not retrain or refit an overexposed employee, slicing chicken shanks, in the use of hearing protection or provide hearing protectors offering greater attenuation when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 13.33 dB for the right ear in 2016.
- b) First Processing - On or about May 4, 2016, the employer did not retrain or refit an overexposed employee in the use of hearing protection or provide hearing protectors offering greater attenuation when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 63.33 dB for the right ear and 16.67 dB for the left ear in 2016.
- c) First Processing - On or about May 4, 2016, the employer did not retrain or refit an overexposed employee in the use of hearing protection or provide hearing protectors offering greater attenuation when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 21.33 dB for the right ear in 2016.
- d) First Processing - On or about May 4, 2016, the employer did not retrain or refit an overexposed employee in the use of hearing protection or provide hearing protectors offering greater attenuation when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 36.67 dB for the right ear and 40.00 dB in the left ear in 2015.

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

- e) First Processing - On or about May 4, 2016, the employer did not retrain or refit an overexposed employee in the use of hearing protection or provide hearing protectors offering greater attenuation when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 14.33 dB for the right ear and 16.00 dB in the left ear in 2015.
- f) First Processing - On or about May 4, 2016, the employer did not retrain or refit an overexposed employee in the use of hearing protection or provide hearing protectors offering greater attenuation when that employee was exposed to occupational noise above the Permissible Exposure Limit and sustained an age-adjusted Standard Threshold Shift average of 21.67 dB for the right ear in 2015.

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

If a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift as defined in paragraph (g)(10) of this section has occurred, the employee shall be informed of this fact in writing, within 21 days of the determination.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/19/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 5 c Type of Violation: **Serious**

29 CFR 1910.95(i)(3): Employees were not given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer:

- a) Kill Room, Picking Room, and Evisceration Room - On or about May 4, 2016, where double hearing protection was mandatory, the employer did not give the Temporary Associates; facilitating the killing process, slicing chicken shanks, or working the evisceration line; the opportunity to select their hearing protection combination from a variety of suitable hearing protection.
- b) Kill Room, Picking Room, and Evisceration Room - On or about May 4, 2016, where double hearing protection was mandatory, the employer did not give the employees; facilitating the killing process, slicing chicken shanks, or working the evisceration line; the opportunity to select their hearing protection combination from a variety of suitable hearing protection.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/19/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 5 d 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) Kill Room, Picking Room, and Evisceration Room - On or about May 23, 2016, the employer did not train the Temporary Associates on the harmful effects of noise on hearing; the purpose, effectiveness/attenuation, use, care, fitting, and selection of hearing protection, or the purpose of audiometric testing prior to their assignment to a position exposed to noise at or above an 8-hour time-weighted average of 85 dBA, the Action Level.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/19/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 6 Type of Violation: **Serious**

29 CFR 1910.101(b): The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tank cars, or motor vehicle cargo tanks were not in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in CFR 1910.6:

- a) Outside the Ammonia Pump Room - On or about March 2, 2016, Nitrogen and flammable compressed gas cylinders for use on and in the plant premises were stored standing in the office staff parking lot immediately outside of the Ammonia pump room door unsupported and unprotected against being struck by vehicles or equipment.
 - 1) The cylinders were not stored in accordance with CGI Pamphlet P-1-1965 paragraph 3.3.8 in that they were not protected against being struck by heavy moving objects such as forklifts, material handling equipment or vehicles.
 - 2) The cylinders were not stored in accordance with CGI Pamphlet P-1-1965 paragraph 3.3.9 in that they were not protected from the ground beneath to prevent rusting.
 - 3) The cylinders were not stored in accordance with CGI Pamphlet P-1-1965 paragraph 3.3.10 in that they were not protected against tampering by unauthorized individuals.
 - 4) The cylinders were not stored in accordance with CGI Pamphlet P-1-1965 paragraph 3.4.4 in that they were not properly supported to prevent them from being knocked over prior to use.
- b) Outside the Ammonia Pump Room - On or about March 2, 2016, Nitrogen and flammable compressed gas cylinders were moved from unsecured storage in the office staff parking lot outside the Ammonia pump room by being strapped together and moved on the plain bare forks of the Yale forklift. The cylinders were not moved in accordance with CGI Pamphlet P-1-1965 paragraph 3.2.6 in that they were not handled with a safe cradle or platform designed to hold the cylinders.

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: 1131470
Inspection Date(s): 03/02/2016 - 07/06/2016
Issuance Date: 09/02/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

No Abatement Certification or documentation Required.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7839.00

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 7 Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, or maintained in a sanitary and reliable condition wherever it was necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

- a) Kill Room, Picking Room and Evisceration Line- On or about May 23, 2016, employees were using personal protective equipment covering their bodies, arms and heads to protect themselves from arterial poultry blood spray, fecal contamination and Campylobacter containing poultry fluids or material. These items of protective equipment were not maintained in a sanitary condition, nor completely removed or cleaned during breaks, and were worn into areas where employees were consuming food.
- b) Kill Room, Picking Room and Evisceration Line- On or about May 23, 2016, employees involved with poultry killing and processing were not provided with, and did not maintain or use personal protective equipment a reliable and intact condition. Trash bags were worn as protective smocks and thin sleeves or gloves were used to protect employees hands and arms from poultry blood, fecal contamination and contamination with Campylobacter bacteria. These items were not resilient enough to withstand the work environment and to protect employees and their clothing.

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

Among other feasible means of abatement the employer could provide face shields to protect against arterial poultry blood spray contacting the mucus membranes of the face; provide thicker more cut-resistant sleeves, aprons, and body protection in the Kill Room; provide total head and body coverings for employees working in the Kill, Picking, and Evisceration Rooms; and/or provide splash-proof over-clothing and shoe covers for employees working in continuously wet and damp environments.

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: 1131470
Inspection Date(s): 03/02/2016 - 07/06/2016
Issuance Date: 09/02/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2016
Proposed Penalty:	\$11758.00

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 2 Item 8 Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area:

- a) Throughout the Facility - On or about March 2, 2016, the employer had not provided employees with effective information and training on the physical and health hazards, including signs and symptoms of overexposure associated with the simple asphyxiant, nitrogen; the hazardous chemicals Anhydrous Ammonia, Sodium Hypochlorite, Peroxyacetic [Peracetic] Acid, Apex Foaming Acid, XT-2002, ZEP Peroxy-Serve S, R-10583, Apex Caustic CIP Cleaner, Zep Dominion Activator, Super Doug, Morado Super Cleaner, ZEP FS Amine Z, and DPD Free Chlorine Reagent to which the employees were exposed on a regular basis.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/21/2016
Proposed Penalty:	\$5880.00

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

Inspection Number: 1131470
Inspection Date(s): 03/02/2016 - 07/06/2016
Issuance Date: 09/02/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.95(m)(2)(ii)(A): The employee audiometric test records did not include the name and job classification of each employee:

- a) Kill Room, Picking Room, and Evisceration Room - On or about May 4, 2016, the employer did not include the employee's most frequent job classification at the time of the audiogram in the employee's audiometric test record, which must be retained for the duration of the affected employee's employment.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/21/2016
\$0.00

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: 1131470
Inspection Date(s): 03/02/2016 - 07/06/2016
Issuance Date: 09/02/2016



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.95(m)(2)(ii)(E): The employee audiometric test records did not include the employee's most recent noise exposure assessment:

- a) Kill Room, Picking Room, and Evisceration Room - On or about May 4, 2016, the employer did not include the employee's most recent 8-hour time-weighted average noise exposure assessment in the employee's audiometric test record, which must be retained for the duration of the affected employee's employment.

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

Date By Which Violation Must be Abated:	10/21/2016
Proposed Penalty:	\$0.00

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: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

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

29 CFR 1910.132(h)(1): The employer did not provide the protective equipment, including personal protective equipment (PPE), used to comply with this part, at no cost to employees:

- a) Kill Room, Picking Room, and Evisceration Room - On or about May 11, 2016, the employer failed to provide waterproof reinforced-toe protective footwear at no cost to Temporary Associates; facilitating the killing process, slicing chicken shanks, or working the evisceration line; exposed to foot crush hazards while wearing rubber boots without reinforced toe protection, due to the weight of the rolling 35-gallon barrels and 100-gallon carts moving through their work areas.
- b) Kill Room, Picking Room, and Evisceration Room - On or about May 11, 2016, the employer failed to provide waterproof reinforced-toe protective footwear at no cost to employees; facilitating the killing process, slicing chicken shanks, or working the evisceration line; exposed to foot crush hazards while wearing rubber boots without reinforced toe protection, due to the weight of the rolling 35-gallon barrels and 100-gallon carts moving through their work areas.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

09/09/2016
\$0.00



Citation and Notification of Penalty

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508

Citation 3 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

- a) In the Ready-To-Eat [RTE] Room - On or about March 2, 2016, employees, cleaning and operating the Meat Massager Machine, were exposed to an unlabeled permit-required confined space in that the Meat Massager Machine did not have a sign posted.

No abatement certification or documentation required.

A sign reading DANGER-PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$0.00

A handwritten signature in black ink, appearing to read "T. Braun", is written over a horizontal line.

Timothy W. Braun
Acting Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
43 Kline Village
Harrisburg, PA 17104
Phone: 717-782-3902 Fax: 717-782-3746



INVOICE / DEBT COLLECTION NOTICE

Company Name: Birdsboro Kosher Farms Corporation
Inspection Site: 1100 Lincoln Road, Birdsboro, PA 19508
Issuance Date: 09/02/2016

Summary of Penalties for Inspection Number	1131470
Citation 2, Serious	\$68059.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$68059.00

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.



Timothy W. Braun
Acting Area Director



Date