

U.S. Department of Labor
Occupational Safety and Health Administration
1205 Texas Ave.
Room 806
Lubbock, TX 79401
Phone: 806-472-7681 Fax: 806-472-7686



Citation and Notification of Penalty

To:
Breedlove Foods Inc
and its successors
1818 N. Martin Luther King Jr. Blvd.
Lubbock, TX 79403

Inspection Number: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016

Inspection Site:
1818 N. Martin Luther King Jr. Blvd.
Lubbock, TX 79403

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 "DOE-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 04/12/2016. The conference will be held by telephone or at the OSHA office located at 1205 Texas Ave., Room 806, Lubbock, TX 79401 on _____ at _____.

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

will be held by 1

to be held by:

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1099610

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403
Issuance Date: 04/12/2016

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, 1205 Texas Ave., Room 806, Lubbock, TX 79401**

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: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to amputation hazards while working around augers:

On or about October 15, 2015, employees of Breedlove Foods, Inc., were exposed to caught-in and amputation hazards while performing cleaning work around the blancher feed by the auger that was not provided with an emergency stop.

Among other methods, feasible and acceptable means of abatement would include installing an emergency stop button/switch in accordance with ANSI B11.8-2001 Safety Requirements for manual, drilling and boring machines Section 6.12.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/30/2016
Proposed Penalty: \$7000.00

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

Inspection Number: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition:

Employees of Breedlove Foods, Inc., were exposed to slip and fall hazards while working and/or walking in areas that were wet and not maintained in a dry condition at the Dry Room.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/30/2016
\$2800.00

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: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

Employees of Breedlove Foods, Inc., were exposed to physical and health hazards while working in the Raw Area where exit routes were not kept free from clutter or overflow materials.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/30/2016
\$2800.00

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: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.38(e): Training. An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.

Employees of Breedlove Foods, Inc., were not designated and trained by the employer to assist other employees in a safe and orderly evacuation of the building upon an emergency.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/30/2016
\$3500.00

Violation: **Serious**

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

Violation: **Serious**

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

Inspection Number: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.144(a)(1)(iii): Stop. Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches which letters or other markings appear, used for emergency stopping of machinery shall be red.

On or about October 15, 2015, employees of Breedlove Foods, Inc., were exposed to struck by and caught in hazards while working on the dry room equipment when the equipment emergency stop was not red.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/30/2016
Proposed Penalty:	\$4900.00

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: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

On or about October 15, 2015, the employer, Breedlove Foods, Inc., exposed employees to electrical shock hazards while they worked on the Blancher.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

04/30/2016
\$4900.00

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: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

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

On or about October 15, 2015, the employer, Breedlove Foods, Inc., exposed employees to caught in and electrical shock hazards when they did not utilize a specific procedure for the blancher feed auger to ensure the employees are properly locking out all energy sources when performing maintenance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/30/2016
Proposed Penalty: \$4900.00

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: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

On or about October 15, 2015, the employees of Breedlove Foods, Inc., were exposed to the hazard of being struck-by or caught in the equipment when the employer did not conduct an annual or more frequent inspection of the energy control procedure by each authorized personnel to ensure that they were properly implemented during repair and service work on the blancher, blancher feed auger, dicer and peeler.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/30/2016
Proposed Penalty: \$4900.00

equipment was
control procedure
inspection

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

Inspection Number: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

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

On or about October 15, 2015, the employer did not provide training on energy control (lockout/tag out) program to ensure that all required elements of the program were understood by all authorized employees whose work operations were, or may be in an area where energy control procedures are utilized.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/30/2016
Proposed Penalty: \$4900.00

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: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

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.

The employer did not ensure that guarding was provided to prevent employee contact with moving parts in the Dry Room and the Potato Receiving Area at:

- a. The hopper motor;
- b. The shaft on the corner of the inspection table;
- c. The surge inclines belts;
- d. Bin infeed roller conveyor- located outside in the potato receiving station.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/30/2016
Proposed Penalty: \$4200.00

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: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.303(b)(7)(iv): There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating.

Employees of Breedlove Foods, Inc., are being exposed to electrical hazards when employer does not ensure electrical panel boxes are deteriorated by corrosion at the:

1. Bin controls in the Raw Room;
2. Bin infeed roller conveyor controls in the outdoors Potato Receiving area;
3. Potato receiving belt operation panel in the Raw Room;
4. Emergency stop control on the inspection tables at the Dry Room.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/30/2016
Proposed Penalty: \$2800.00

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

DOCUMENTARY
RECORD

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

Inspection Number: 1099610
Inspection Date(s): 10/16/2015 - 01/08/2016
Issuance Date: 04/12/2016



Citation and Notification of Penalty

Company Name: Breedlove Foods Inc.
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403

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

29 CFR 1910.303(g)(1)(ii): The required working space about electrical equipment rated 600 volts, nominal, or less to ground, was in a passageway or general open space and was not suitably guarded when normally enclosed live parts were exposed for inspection or servicing:

Employees of Breedlove Foods Inc., were exposed to burn and struck-by hazards, in the Raw Room next to the bins, while access to electrical panels was blocked by the flume flow control valve mounted on PVC pipe lines.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/30/2016
\$2800.00

A handwritten signature in black ink that reads "Jose Hernandez".

for **Elizabeth Linda Routh**
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
1205 Texas Ave.
Room 806
Lubbock, TX 79401
Phone: 806-472-7681 Fax: 806-472-7686



INVOICE / DEBT COLLECTION NOTICE

Company Name: Breedlove Foods Inc
Inspection Site: 1818 N. Martin Luther King Jr. Blvd., Lubbock, TX 79403
Issuance Date: 04/12/2016

Summary of Penalties for Inspection Number	1099610
Citation 1, Serious	\$50400.00
TOTAL PROPOSED PENALTIES	\$50400.00

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.

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

April 12, 2016

for **Elizabeth Linda Routh**
Area Director

Date

U.S. Department of Labor **Occupational Safety and Health Administration**
Lubbock Area Office
1205 Texas Avenue, Room 806
Lubbock, Texas 79401
Phone: 806-472-7681 Fax: 806-472-7686
<http://www.osha.gov>



Breedlove Foods Inc
1818 N. Martin Luther King Jr. Blvd.
Lubbock, TX 79403

Dear Employer:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established the SBA Ombudsman and SBA Regional Fairness Boards to investigate small business complaints pertaining to federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA), you may file a written, signed complaint with the SBA Ombudsman at:

Small Business Administration
Office of the National Ombudsman
409 Third Street SW
Washington, DC 20024
Phone: (202) 205-2417
Fax: (202) 481-5719

You can also access and download the Complaint/Comment form by visiting their website at:

<http://www.sba.gov/aboutsba/sbaprograms/ombudsman/index.html>

Or, call Toll Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action. Nor does it mean you need not to take other available legal steps to protect your interest.

Your support in worker occupational health and safety is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Linda Routh". The signature is written in a cursive, flowing style.

Elizabeth Linda Routh
Area Director

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (806) 472-7681.**

U.S. Department of Labor Occupational Safety and Health Administration
1205 Texas Ave. Room 806
Lubbock, TX 79401
Phone: (806) 472-7681 Fax: (806) 472-7686



April 12, 2016

On 10/16/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 1818 N. Martin Luther King Jr. Blvd. Lubbock, TX 79403. 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,

Elizabeth Linda Routh, Area Director

Your Citation Summary
Breedlove Foods Inc
Inspection Number: 1099610

Total Amount Due: \$50400.00
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:
04/30/16

**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 (806) 472-7681.

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: Elizabeth Linda Routh, Area Director, at (806) 472-7681 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**.

 ___ / ___