

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
200 N. High Street, Room 620  
Columbus, OH 43215  
Phone: 614-469-5582 Fax: 614-469-6791



## Citation and Notification of Penalty

**To:**  
Case Farms Processing, Inc., dba Case Farms Chicken  
and its successors  
P.O. Box 185  
Winesburg, OH 44690

**Inspection Number:** 77245  
**Inspection Date(s):** 06/30/2011 - 10/25/2011  
**Issuance Date:** 12/27/2011

**Inspection Site:**  
1818 County Road 160  
Winesburg, OH 44690

7011 0110 0001 8776 8210

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

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

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

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

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

**Notification of Corrective Action** – For each violation which you do not contest, you 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, 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, but not sooner than 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on December 27, 2011. The conference will be held at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 77245**

Company Name: Case Farms Processing, Inc., dba Case Farms Chicken  
Inspection Site: 1818 County Road 160, Winesburg, OH 44690  
Issuance Date: December 27, 2011

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, 200 N. High Street, Room 620 Columbus, OH 43215**

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:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(d)(2)(i)(A): Information concerning the technology of the process shall include a block flow diagram or simplified process flow diagram (see Appendix B to this section):

a. The block flow diagram for the ammonia refrigeration system was not updated and accurate in that the 300 ton chiller RWC-3, screw compressor C-8, evaporative condenser EC-3, and thermosyphon vessel TSV were not identified.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

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

29 CFR 1910.119(d)(2)(i)(C): Information concerning the technology of the process shall include maximum intended inventory:

a. The process safety information pertaining to the technology of the ammonia refrigeration system did not include the maximum intended inventory of ammonia.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(d)(3)(i)(B): Information pertaining to the equipment in the process shall include piping and instrument diagrams (P&ID's):

- a. The P&ID (Sheet No. PID-04; Drawing No. 502P07308013) for compressors with a revision date of October 28, 2010, was not accurate in that the Vilter VSS-901 screw compressor was identified as C-6 (duplicated) in lieu of C-8.
- b. The P&ID (Sheet No. PID-04; Drawing No. 502P07308013) for compressors with a revision date of October 28, 2010, was not accurate in that the relief line, 1 RV (VAP), for the Vilter VSS-901 screw compressor was identified with the incorrect size.
- c. The P&ID (Sheet No. PID-05, Drawing No. 502P07308013) for chillers with a revision date of October 27, 2010, was not accurate in that the ingoing line, 1-1/4 HPL (LIQ) 180 PSIG (95F), for the accumulator A-1 was identified with the incorrect size.
- d. The P&ID (Sheet No. PID-05, Drawing No. 502P07308013) for chillers with a revision date of October 27, 2010, was not accurate in that the oil drain point under the accumulator A-1 identified only one globe valve and did not identify an additional globe valve and spring return ball valve.
- e. The P&ID (Sheet No. PID-05, Drawing No. 502P07308013) for chillers with a revision date of October 27, 2010, was not accurate in that the ammonia high pressure transfer line, PO (LIQ), and associated globe valve for the accumulator A-1 were not marked.
- f. The P&ID (Sheet No. PID-05, Drawing No. 502P07308013) for chillers with a revision date of October 27, 2010, was not accurate in that the dual safety relief valves with 3-way manifold were identified as being located on top of accumulator A-1 when it was actually located approximately 25 feet away on the 4 HSS (VAP) 28 PSIG (15F) line.
- g. The P&ID (Sheet No. PID-05, Drawing No. 502P07308013) for chillers with a revision date of October 27, 2010, was not accurate in that the oil drain point under the 300 ton chiller RWC-3 identified only one globe valve and did not identify a spring return ball valve.



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h. The P&ID (Sheet No. PID-05, Drawing No. 502P07308013) for chillers with a revision date of October 27, 2010, was not accurate in that the identification tags on the valves such as the globe valve under the 300 ton chiller RWC-3 were not the same as marked on the P&ID.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

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

29 CFR 1910.119(e)(3)(v): The process hazard analysis shall address facility siting:

a. The 2000, 2005, and 2010 PHA's did not adequately address facility siting for the anhydrous ammonia refrigeration system such as, but not limited to, the following: location of evaporative condensers EC-1/EC-2/EC-3, high pressure receiver HPR, low side recirculator R-2, accumulator A-1, 300 ton chiller RWC-3 and associated piping and valves located adjacent to the roadway which subjected the equipment and piping to vehicular impact.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



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

Inspection Number: 77245  
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**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.119(e)(3)(vi): The process hazard analysis shall address human factors:

a. The 2000, 2005, and 2010 PHA's did not adequately address human factors for the anhydrous ammonia refrigeration system such as, but not limited to, the following: lack of trained operators for emergency operations and emergency shutdown on second and third shifts; lack of trained operators when trained employees are on leave; and operator overload during normal operations, emergency operations, and emergency shutdown.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

01/26/2012  
\$7000.00

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

Inspection Number: 77245  
Inspection Date(s): 06/30/2011 - 10/25/2011  
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**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(e)(5): The employer shall establish a system to promptly address the team's findings and recommendations; assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions:

a. On the 2010 PHA, the completion dates for recommendation numbers 3 and 41 were not documented; actions to be taken were not completed for recommendation numbers 3, 4, 5, and 7; actions were not completed as soon as possible for recommendation numbers 4 and 7; and a written schedule of when actions were to be completed (due dates) for recommendation numbers 3, 4, 5, 7, 18, and 22 was not developed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	01/26/2012
Proposed Penalty:	\$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(f)(1)(i)(B): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least normal operations:

- a. Written procedures for normal operations in the anhydrous ammonia refrigeration system did not address oil draining from ammonia equipment without oil pots such as, but not limited to, the following equipment: high side recirculator R-1, low side recirculator R-2, accumulator A-1, and 300 ton chiller RWC-3.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

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

29 CFR 1910.119(f)(1)(iv): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address at least safety systems and their functions:

- a. Written operating procedures for safety systems and their functions in the anhydrous ammonia refrigeration system did not have accurate alarm and cutout information for equipment such as, but not limited to, the following: low stage reciprocating booster compressors C-6/C-7, high stage reciprocating compressors C-1/C-2, and evaporative condensers EC-1/EC-2/EC-3.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(g)(1)(i): Each employee presently involved in operating a process, and each employee before being involved in operating a newly assigned process, shall be trained in an overview of the process and in the operating procedures as specified in paragraph (f) of this section. The training shall include emphasis on the specific safety and health hazards, emergency operations including shutdown, and safe work practices applicable to the employee's job tasks:

- a. The employer did not train at least one maintenance employee, who was involved in emergency operations in the anhydrous ammonia refrigeration system during a power failure, on the specific related procedures.
- b. The employer did not train at least one maintenance employee, who performed preventative maintenance on the 300 ton chiller RWC-3, on the operating procedures for that specific chiller.
- c. The employer did not adequately train at least two maintenance employees, who were involved in an ammonia release on or about June 30, 2011, in the specific emergency shutdown procedures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

01/26/2012  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(g)(2): Refresher training. Refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training:

- a. The employer did not provide refresher training every three years on the standard operating procedures for at least two employees involved in the anhydrous ammonia refrigeration system.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	01/26/2012
Proposed Penalty:	\$7000.00

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

29 CFR 1910.119(j)(2): Written procedures. The employer shall establish and implement written procedures to maintain the on-going integrity of process equipment:

- a. The employer did not establish and implement written procedures for installing and replacing valves and gaskets including the specifications for the proper torquing of flange bolts.
- b. The employer did not establish written procedures for testing valves annually.
- c. The employer did not establish and implement written procedures for inspecting and testing of piping and associated components such as flanges and supports.



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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d. The employer did not establish written procedures for the testing of compressor safety cutout switches.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience:

a. On or about June 30, 2011, in the ammonia refrigeration system, the testing of compressor safety cutout switches was not performed yearly as consistent with recognized and generally accepted good engineering practices (RAGAGEP).

b. On or about June 30, 2011, in the ammonia refrigeration system, the inspections and testing of insulated and uninsulated piping and associated components such as flanges and supports were not performed annually as consistent with RAGAGEP and the frequency established by the employer's Mechanical Integrity Program.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

a. A management of change covering the construction of the building around the 300 ton chiller RWC-3 and associated equipment was not written and implemented to ensure that the changes to the facility did not affect the covered process.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$7000.00

**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.119(m)(1): The employer shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace:

a. The employer did not conduct an incident investigation for the ammonia release that occurred on or about October 2, 2006, when an employee was draining oil from the low side recirculator R-2 in the anhydrous ammonia refrigeration system.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.119(m)(3): An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident:

- a. For the incident (reference #63011) which occurred on or about June 30, 2011, and involved an ammonia release in the coils of air unit 3 in the 28 degree cooler, the incident investigation team did not include at least one person knowledgeable in the process.
- b. For the incident (reference #102608) which occurred on or about October 26, 2008, and involved an ammonia vapor release around the stem of a hot gas valve on the Reco chiller, an incident investigation team was not established.
- c. For the incident (reference #122806) which occurred on or about December 28, 2006, and involved an ammonia release from a pin hole sized leak on a welded union on the VoTator equipment and a quantity of oil impregnated with ammonia which was emptied into the floor drain, an incident investigation team was not established.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

01/26/2012  
\$5000.00





### Citation and Notification of Penalty

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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#### Citation 1 Item 16 Type of Violation: **Serious**

29 CFR 1910.119(m)(4)(iv): A report shall be prepared at the conclusion of the investigation which includes at a minimum the factors that contributed to the incident:

- a. The incident investigation report (reference #63011), for the incident which occurred on or about June 30, 2011, and involved an ammonia release in the coils of air unit 3 in the 28 degree cooler, did not include all the factors which may have contributed to the incident including, but not limited to, the following: inadequate inspections/testing of equipment, nonexistent replacement schedule for aging equipment, nonexistent ammonia detector system in the cooler, and inadequate training for ammonia refrigeration operators and emergency responders.
- b. The incident investigation report (reference #91509), for the incident which occurred on or about September 15, 2009, and involved an ammonia leak in the Morris chiller room, did not include all the factors which may have contributed to the incident including, but not limited to, the following: inadequate operating procedures for maintaining water pressure, inadequate training for employees monitoring water pressure, and nonexistent low level alarm for lack of water pressure.
- c. The incident investigation (reference #102608), for the incident which occurred on or about October 26, 2008, and involved an ammonia vapor release around the stem of a hot gas valve on the Reco chiller, did not include all the factors which may have contributed to the incident including, but not limited to, the following: nonexistent annual valve inspections and nonexistent annual valve testing procedures.



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**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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d. The incident investigation (reference #122806), for the incident which occurred on or about December 28, 2006, and involved an ammonia release from a pin hole sized leak on a welded union on the VoTator equipment and a quantity of oil impregnated with ammonia which was emptied into the floor drain, did not include all the factors which may have contributed to the incident including, but not limited to, the following: inadequate quality assurance inspections and tests, inadequate quality assurance procedures, inadequate training for employees disposing of oil impregnated with ammonia, and nonexistent operating procedures for disposing of blow down liquids.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

**Citation 1 Item 17** Type of Violation:  **Serious**

29 CFR 1910.119(m)(5): The employer shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented:

a. The incident investigation report (reference #63011), for the incident which occurred on or about June 30, 2011, and involved an ammonia release in the coils of air unit 3 in the 28 degree cooler, did not document the resolutions and corrective actions.

b. The incident investigation report (reference #91509), for the incident which occurred on or about September 15, 2009, and involved an ammonia leak in the Morris chiller room, did not document the resolutions and corrective actions.

c. The incident investigation (reference #102608), for the incident which occurred on or about October 26, 2008, and involved an ammonia vapor release around the stem of a hot gas valve on the Reco chiller, did not document the resolutions and corrective actions.



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**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
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d. The incident investigation (reference #122806), for the incident which occurred on or about December 28, 2006, and involved an ammonia release from a pin hole sized leak on a welded union on the VoTator equipment and a quantity of oil impregnated with ammonia which was emptied into the floor drain, did not document the resolutions and corrective actions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

**Citation 1 Item 18** Type of Violation: **Serious**

29 CFR 1910.119(o)(4): The employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected:

a. The employer did not promptly determine and document an appropriate response to two of the findings, PSM 12.41 and RM 15.8, on the compliance audit dated on or about March 30, 2009 through April 1, 2009.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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**Citation 1 Item 19** Type of Violation: **Serious**

29 CFR 1910.119(o)(5): Employers shall retain the two (2) most recent compliance audit reports:

a. The employer did not retain one of the most recent compliance audit reports dated on or about July 17 through July 18, 2006, and October 9, 2006.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

**Citation 1 Item 20** Type of Violation: **Serious**

29 CFR 1910.120(q)(3)(iii): Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum; the criteria contained in 29 CFR 1910.156(e) when worn while performing fire fighting operations beyond the incipient stage for any incident:

a. On or about June 30, 2011, the individual in charge of the Incident Command System (ICS) during the ammonia leak in the 28 degree cooler did not implement appropriate emergency operations and assure that the appropriate personal protective equipment was worn including, but not limited to, the following: allowing non-trained employees to respond to an ammonia release; permitting employees with no medical evaluation, fit testing, and training to wear full facepiece respirators; ensuring the ammonia monitor received a bump test or calibration; and ensuring the use of rubber/chemical gloves, boots and apron.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.120(q)(6)(iii): Hazardous materials technician. Hazardous materials technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance. Hazardous materials technicians shall have received at least 24 hours of training equal to the first responder operations level and in addition have competency in the following areas (29 CFR 1910.120(q)(6)(iii)(A) through (I)) and the employer shall so certify:

- a. On or about June 30, 2011, in the 28 degree cooler, at least three employees who responded in an attempt to locate where the ammonia leak was originating had not received at least 24 hours of hazardous materials technician training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$7000.00

**Citation 1 Item 22** Type of Violation: **Serious**

29 CFR 1910.120(q)(8)(i): Those employees who are trained in accordance with paragraph (q)(6) of this section shall receive annual refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly:

- a. As of September 14, 2011, employees engaged in emergency response as first responder operations level, hazardous materials technicians, and incident commanders had not received annual refresher training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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**Citation 1 Item 23** Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator:

- a. On or about June 30, 2011, in the 28 degree cooler, at least two of the employees who responded to an ammonia leak wearing North full facepiece negative pressure respirators had not been provided medical evaluations to determine each employees ability to use a respirator before the employee was fit tested and required to use a respirator in the workplace.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

**Citation 1 Item 24** Type of Violation: **Serious**

29 CFR 1910.134(f)(2): The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter:

- a. On or about June 30, 2011, in the 28 degree cooler, at least two of the employees who responded to an ammonia leak wearing North full facepiece negative pressure respirators had not been fit tested prior to initial use.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00

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

Inspection Number: 77245  
Inspection Date(s): 06/30/2011 - 10/25/2011  
Issuance Date: 12/27/2011



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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**Citation 1 Item 25** Type of Violation: **Serious**

29 CFR 1910.134(k)(3): The employer shall provide the training prior to requiring the employee to use a respirator in the workplace:

- a. On or about June 30, 2011, in the 28 degree cooler, at least two of the employees who responded to an ammonia leak wearing North full facepiece negative pressure respirators had not been provided respirator training prior to being required to use a respirator.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5000.00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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**Citation 1 Item 26** Type of Violation: **Serious**

29 CFR 1910.176(b): Storage of material shall not create a hazard:

a. On or about July 5, 2011, in the Sanova room, acids and bases were stored together such as, but not limited to, the following: 275 gallon container of 20% Sanova Activator Concentrate (pH 0.5) stored adjacent to a 275 gallon container of 25% Sanova Antimicrobial Food Additive Base (pH 12.5).

b. On or about July 6, 2011, in the chemical storage building (chicken house), acids and bases were stored together such as, but not limited to, the following: three 300 gallon containers of Inspexx 100 (pH 1) stored between five 275 gallon containers of 25% Sanova Antimicrobial Food Additive Base (pH 12.5) and sixteen 55 gallon drums of Aquamark Sodium Hypochlorite (pH 11-13); a 300 gallon container of Inspexx 100 (pH 1) stored near five 275 gallon containers of 25% Sanova Antimicrobial Food Additive Base (pH 12.5), a 55 gallon drum of Aquamark Sodium Hypochlorite (pH 11-13), and two 55 gallon drums of Trans-it (pH 13); a 55 gallon drum of Science Lab 85% Phosphoric Acid (pH acidic) stored adjacent to a 275 gallon container of AFCO 6008 Millennium Yellow (pH 11.8); and nine 275 gallon containers of 20% Sanova Activator Concentrate (pH 0.5) stored near three 55 gallon drums of Trans-it (pH 13) and a 275 gallon container of AFCO 6008 Millennium Yellow (pH 11.8).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

01/26/2012  
\$4000.00



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

Inspection Number: 77245  
Inspection Date(s): 06/30/2011 - 10/25/2011  
Issuance Date: 12/27/2011



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(j)(4)(iv): The employer shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test:

a. On or about July 2011 in the ammonia refrigeration system, the documentation for the testing of compressor safety cutout switches did not identify the name of the person who performed the test.

Date by which Violation must be Abated:  
Proposed Penalty:

01/26/2012  
\$.00

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

**Inspection Number:** 77245  
**Inspection Date(s):** 06/30/2011 - 10/25/2011  
**Issuance Date:** 12/27/2011



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.119(m)(4)(ii): A report shall be prepared at the conclusion of the investigation which includes at a minimum the date investigation began:

- a. The incident investigation report (reference #63011) for the incident which occurred on or about June 30, 2011, did not include the date the investigation began.
- b. The incident investigation report (reference #91509) for the incident which occurred on or about September 15, 2009, did not include the date the investigation began.
- c. The incident investigation report (reference #102608) for the incident which occurred on or about October 26, 2008, did not include the date the investigation began.
- d. The incident investigation report (reference #122806) for the incident which occurred on or about December 28, 2006, did not include the date the investigation began.

Date by which Violation must be Abated:

01/26/2012

Proposed Penalty:

\$ .00



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1910.134(m)(2)(i): The employer shall establish a record of the qualitative and quantitative fit tests administered to an employee including:

a. At the workplace, the employer did not establish a fit test record of the most recent fit tests administered to each employee authorized to wear negative pressure respirators.

Date by which Violation must be Abated:

01/26/2012

Proposed Penalty:

\$ .00

**Citation 2 Item 4** Type of Violation: **Other-than-Serious**

29 CFR 1910.1030(g)(2)(ii)(B): Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter:

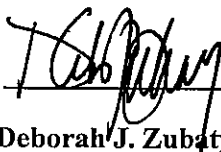
a. As of September 14, 2011, employees designated and authorized to provide first aid and CPR had not received annual bloodborne pathogen refresher training.

Date by which Violation must be Abated:

01/26/2012

Proposed Penalty:

\$ .00

  
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Deborah J. Zubaty  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
200 N. High Street,  
Room 620  
Columbus, OH 43215  
Phone: 614-469-5582 Fax: 614-469-6791



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Case Farms Processing, Inc., dba Case Farms Chicken  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690  
**Issuance Date:** 12/27/2011

<b>Summary of Penalties for Inspection Number</b>	<b>77245</b>
<b>Citation 1, Serious</b>	<b>\$143000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$ .00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$143000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

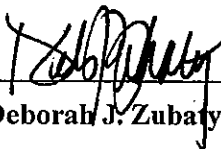
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

  
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Deborah J. Zubaty  
Area Director