

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:
Caviness Beef Packing, Ltd
and its successors
3255 US Highway 60
Hereford, TX 79045

Inspection Number: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013

Inspection Site:
3255 US Highway 60
Hereford, TX 79045

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.

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, 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 07/01/2013. 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.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 810501

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045
Issuance Date: 07/01/2013

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

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

Inspection Number: 810501
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Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

1910.22(b)(1): Where mechanical handling equipment was used, sufficient safe clearances was not allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways were not kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.

On the fabrication floor, the employer did not maintain aisles and passageways free of obstructions in that cutting operations caused an obstruction in the aisle, exposing employees to a trip hazard and potential electrical hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/12/2013
\$3000.00

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

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Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed. Materials or equipment was placed, either permanently or temporarily, in the exit route:

In the Fabrication area, the employer did not ensure that an exit route was kept free and unobstructed. A meat transportation cart was obstructing the exit door that leads to the basement.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4000.00

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(c)(1): The Employer did not develop a written plan of action for the implementation of employee participation required by this paragraph:

The employer did not ensure that a written plan of action was developed regarding the implementation of employee participation in the conduct and development of the process hazard analyses and other elements of process safety management including process safety information, mechanical integrity, incident investigation, and management of change.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2013
\$3000.00

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

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

29 CFR 1910.119(d)(3)(i)(C): Information pertaining to the equipment in the process did not include electrical classification.

The employer's process safety information did not include the electrical classification for equipment located in the engine room, such as but not limited to, the motors for compressors H-1 and S-1, junction boxes and electrical panels.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$3000.00

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: 810501
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Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.307(b): Documentation for areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 was not available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location:

In the engine room, the employer did not ensure that equipment in the engine room was documented as a hazardous (classified) location rated as Class I Division II.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2013

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(e)(3)(i): The employer did not address the hazards of the process:

The employer did not ensure that the process hazard analysis (PHA) was appropriate to the complexities of the process. The PHA did not identify, evaluate, and control the hazards of the compressors and evaporators in the engine room.

The employer did not adhere to the What-If methodology, developed by the International Institute of Ammonia Refrigeration (IIAR), that it employed to determine and evaluate the hazards of the process. Caviness Beef did not correctly use the risk matrix system, assigning relative-risk rankings based on severity and probability in the 2010 process hazard analysis (PHA), such as but not limited to the following instances:

- a) PHA Items 1-12, 14, 15, 17 for the compressors indicated that the consequences of compressor failure would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.
- b) PHA Items 1-4.1-4.6, 4.8, 4.10, 4.12, 4.13, 4.14, 4.15, 4.16 for the pressure vessels indicated that the consequences of pressure vessel failure would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.
- c) PHA Items 1-6.1-6.11 for the relief valves indicated that the consequences of relief valve failure would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.
- d) PHA Items 1-7.1, 7.3-7.8, 7.23 for the piping indicated that the consequences of piping failure would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.
- e) PHA Items 1-8.1, 8.3, 8.4, 8.9-8.11 for the NH₃ pumps indicated that the consequences of pump failure would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

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Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

f) PHA Items 1-10.6, 10.6, 10.8, 10.9 for the start-up of existing or modified systems indicated that the consequences of failure during start-up would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

g) PHA Items 1-11.1-11.3 for the shutdown of system indicated that the consequences of failure during shutdown would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

h) PHA Item 1-12.1 for the emergency situation of system was specific for a loss of electric power indicated that the consequences of emergency situation would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

i) PHA Items 1-12.2-12.10 for the emergency situation of system indicated that the consequences of emergency situation would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

j) PHA Items 1-13.3-13.5, 13.10 for the charging of NH₃ to system indicated that the consequences of failure during charging would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

k) PHA Items 1-14.3 for the pump-out of system indicated that the consequences of failure during pump-out would only be isolated ammonia release, possible injury, requiring first aid, no on site impact; inaccurately assessing the risk.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$7000.00

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(e)(3)(ii): The employer did not address in the process hazard analysis identification of any previous incident which had a likely potential for catastrophic consequences in the workplace:

The 2010 process hazard analysis did not identify any previous incidents which had a likely potential for catastrophic consequences in the workplace; such as but not limited to the following:

- a) improper installation of piping due to bad welds in line identified as box storage unit BS-1 resulted in ammonia vapor release with liquid spill.
- b) corrosion of piping liquid line to Offal Cooler Unit 2 resulted in an ammonia vapor release.
- c) inadequate maintenance, administrative controls, procedures, training resulted in loose bolts on the liquid line of Hot Box 3 Unit 15 resulting in ammonia vapor release with liquid spill.
- d) corrosion of a check valve located on the LDI HTRL line resulted in ammonia liquid spill.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/26/2013
Proposed Penalty: \$7000.00

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

Inspection Number: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(e)(4): The process hazard analysis was not performed by a team with expertise in engineering and process operations, and the team did not include at least one employee who has experience and knowledge specific to the process being evaluated.

The 2010 process hazard analysis team did not include at least one person with:

- a) knowledge specific to the process at the facility.

- b) engineering expertise.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2013
\$3000.00

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(e)(5): The employer did not assure that findings of the Process Hazard Analysis (PHA) were resolved in a timely manner and actions documented.

The employer did not establish a system to promptly address findings and recommendations; assure that the recommendations were resolved in a timely manner and that the resolution was documented including, but not limited to:

- a) initial PHA (2005) open item 1.16 - schedule annual compressor safety checks.
- b) initial PHA (2005) open item 4.23 - verify that high side pumps shut down if low side re-circulator goes high level.
- c) initial PHA (2005) open item 6.10 - develop a PM to inspect piping penetrations that penetrate load bearing walls annually.
- d) initial PHA (2005) open item 6.15 - develop a PM to cycle all isolation valves annually.
- e) initial PHA (2005) open item 15.7 - develop PM to function test ventilation and NH3 detection.
- f) item 14-40 (2005) not completed.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2013
\$3000.00



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(f)(1): The employer did not 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 the following elements.

The employer did not ensure that the operating procedures were written to provide instruction for safely conducting activities involved in each covered process including, but not limited high pressure receiver, low temp re-circulator, high temp re-circulator, H-1 compressor, swing compressor, low stage compressor, auto purger, condensers, freezer, evaporators. Operating procedures were not provided for the following:

- a) initial startup.
- b) temporary operations.
- c) emergency shutdown.
- d) emergency operations.
- e) normal shutdown.
- f) startup after an emergency shutdown.
- g) normal operating procedures for draining oil out of the system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2013
\$7000.00

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: 810501
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Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(f)(1)(i)(B): The employer did not 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 did not address normal operations.

The employer does not ensure that operating procedures are written to provide instruction for safely conducting activities involved in each covered process including, but not limited to normal operation. There are no procedures for draining four oil pots in the process system.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2013
\$5000.00

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

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

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; and confined space entry.

The employer did not ensure that safe work practices, which include specific lockout/tagout procedures, were established and implemented for all equipment such as, but not limited to,

- a) low stage compressor (Comp B-2) in the mechanical room.
- b) high stage compressor (Comp H-1) in the mechanical room.
- c) high stage compressor (Comp H-2) in the mechanical room.
- d) swing compressor (Comp S-1) in the mechanical room.
- e) evaporative condensers (EC-1&2) throughout the facility.
- f) fab floor cooler (FF-1 through FLD-2) in the fabrication floor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$7000.00

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

Citation 1 Item 11 b 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:

Throughout the facility, employer did not have equipment-specific energy control procedures for the following equipment for activities covered by 1910.147. The lack of documentation of machine-specific energy control procedures expose employees to unexpected struck-by, caught-by and electrical hazards.

- a) low stage compressor (Comp B-2) in the mechanical room.
- b) high stage compressor (Comp H-1) in the mechanical room.
- c) high stage compressor (Comp H-2) in the mechanical room.
- d) swing compressor (Comp S-1) in the mechanical room.
- e) evaporative condensers (EC-1&2) throughout the facility.
- f) fab floor cooler (FF-1 through FLD-2) in the fabrication floor

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/26/2013

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

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Inspection Date(s): 01/08/2013 - 01/17/2013
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Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

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

On the fabrication floor, inedible rendering area, and the mechanical room, the employer did not ensure the lockout device attached to energy control devices identified the employee applying the device, and access to the key for lockout devices was not controlled.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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07/26/2013

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: Caviness Beef Packing, Ltd
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.119(g)(1)(i): The employer did not train each employee in the operating procedures as specified in paragraph (f) of 29 CFR 1910.119.

The employer did not provide initial formal training to its employees prior to being involved in operating the refrigeration system including, but not limited to:

- a) initial startup.
- b) temporary operations.
- c) emergency shutdown.
- d) emergency operations.
- e) normal shutdown.
- f) startup after an emergency shutdown.
- g) normal operating procedures for draining oil out of the system.
- h) normal operating procedures.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2013

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

Proposed Penalty:

\$3000.00

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Company Name: Caviness Beef Packing, Ltd
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Citation 1 Item 12 b Type of Violation: **Serious**

29 CFR 1910.119(g)(2): Refresher training. Refresher training was not provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understood and adhered to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, did not determine the appropriate frequency of refresher training.

The employer did not ensure that refresher training was provided to the refrigeration supervisor involved in the process safety management of the refrigeration system at least every three years.

Date By Which Violation Must be Abated:

07/26/2013

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Company Name: Caviness Beef Packing, Ltd
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Citation 1 Item 12 c Type of Violation: **Serious**

29 CFR 1910.119(g)(3): The employer did not ascertain that each employee involved in operating a process had received and understood the training required by this paragraph. The employer had not prepared a record which contained the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

The employer did not ensure that any training received by operators of the ammonia refrigeration system was documented in a record which contained the identity of the employee, the date of training, and the means used to verify that the employee understood the training. The employer did not have records documenting the training of each employee involved in operating and/or maintaining the ammonia refrigeration system, on the safety and health hazards, emergency shutdown operations and safe work practices, including but not limited to:

- a) plant engineer.
- b) refrigeration supervisor.
- c) refrigeration operator.
- d) refrigeration maintenance.

Date By Which Violation Must be Abated:

07/26/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(j)(2): The employer did not establish or implement written procedures to maintain the on-going integrity of process equipment:

In the mechanical room, the employer did not ensure that written mechanical integrity procedures were established and implemented for the following equipment:

- a) external visual inspection of compressor B-1, B-2, H-1, H-2, and S-1.
- b) inspection and preventive maintenance of pumps LTVA-1, LTVA-2, LTBH-1 and LTBH-2.
- c) inspection, testing, and preventive maintenance of the compressor in the engine room S-1, B-1, B-2, H-1, and H-2.
- d) external visual inspection of vessels V1-V2, and V3.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/26/2013
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(j)(3): Training for process maintenance activities. The employer did not train each employee involved in maintaining the on-going integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee was able to perform the job tasks in a safe manner.

In the mechanical room and throughout the facility, the employer did not ensure that training was provided to employees working the day shift and night shift; these employees are involved in the maintenance and on-going integrity of process equipment such as, but not limited to:

- a) electrical maintenance and repair of compressors, pumps, and evaporators.
- b) maintenance and repair of valves.
- c) replacement of evaporator coils.
- d) draining of oil from the system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$3000.00



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures did not follow recognized and generally accepted good engineering practices (note: this standard applies to pressure vessels and storage tanks; piping systems (including piping components and valves); relief and vent systems and devices; emergency shutdown systems; controls (including monitoring devices and sensors, alarms, and interlocks) and; pumps as referenced by sections (j)(1)-(j)(1)(vi) of this standard.

In the mechanical room, the employer did not ensure the vessels, evaporators, compressors, were inspected and tested in accordance with consensus documents such as but not limited to the following:

- a) external visual inspection of compressor H-1 in accordance with IIAR, Bulletin NO. 110 start-up, inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.3.
- b) external visual inspection of compressor B-1, B-2, and S-1; in accordance with IIAR, Bulletin No.110; Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.3.
- c) inspection, testing, and preventive maintenance of the compressor in the engine room S-1 in accordance with IIAR, Bulletin No. 110; Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigeration Systems, Section 6.3.
- d) external visual inspection of vessels V1-V2, and V3 in accordance with IIAR, Bulletin No. 110; Start- up, inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.4.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$7000.00

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(I)(1): The employer did not implement procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to facilities that affect a covered process.

In the mechanical room, employer did not ensure that written procedures for management of change are established and implemented for modification to equipment that affect a covered process including, but not limited the following:

- a) mist eliminators designed to reduce the amount of debris entering the condensers.
- b) two chill cooler evaporator units in the carcass cooler.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/26/2013
\$7000.00

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

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

29 CFR 1910.119(m)(1): The employer did not investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace.

The employer did not investigate each accident which could have resulted in a catastrophic release of highly hazardous chemical in the workplace, including but not limited to the following:

- a) on or about December 7, 2012 suction check valve failed on H-2 compressor located in the engine room leading failure of H-2 compressor.
- b) on or about October 9, 2012 shaft seal failure on B-2 compressor located in the engine room led to failure of B-2 compressor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/26/2013
Proposed Penalty: \$7000.00



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(m)(4): An incident report was not prepared at the conclusion of the investigation that included at a minimum, the date of the incident, date the investigation began, a description of the incident, and any recommendations resulting from the investigation.

The employer did not ensure that an incident report was prepared at the conclusion of each investigation that included at a minimum, the date the investigation began, a description of the incident, and any recommendations resulting from the investigation.

- a) corrosion of piping liquid line to Offal Cooler Unit 2.
- b) seal failure on B-2 compressor located in the engine room led to failure of B-2 compressor.
- c) suction check valve failed on H-2 compressor located in the engine room leading failure of H-2 compressor.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

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

29 CFR 1910.119(m)(2): An incident investigation was not initiated as promptly as possible, but not later than 48 hours following the incident.

The employer did not initiate an incident investigation within 48 hours of an incident occurrence including but not limited to:

- a) inadequate maintenance, administrative controls, procedures, training resulted in loose bolts on the liquid line of Hot Box 3 Unit 15 resulting in ammonia vapor release with liquid spill.
- b) corrosion of a check valve located on the LDI HTRL line resulted in ammonia liquid spill.
- c) compressor component failure in the mechanical room resulted in an ammonia vapor release.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/26/2013
Proposed Penalty: \$3000.00



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(m)(3): An incident investigation team was not established and did not 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.

In the mechanical room, employer did not establish an incident investigation team that consists of at least one person knowledgeable in the process involved. Incidents in which ammonia releases were reported were not investigated by an incident investigation team, including but not limited to:

a) corrosion of piping liquid line to Offal Cooler Unit 2 resulted in an ammonia vapor release, investigation report indicated only one person participated. investigation team was not identified on the incident summary, therefore qualifications of investigation team were not established.

b) inadequate maintenance, administrative controls, procedures, training resulted in loose bolts on the liquid line of Hot Box 3 Unit 15 resulting in ammonia vapor release with liquid spill, investigation did not include contractors involved and report did not provide qualifications of members.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(n): The employer did not establish and implement an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38

Throughout the facility, employer did not:

- a) perform physical evacuation procedures. The employer did not conduct fire, chemical release, and extreme weather evacuation drills.
- b) did not ensure that employees recognize the difference between alarms for fire and small and large releases for highly hazardous chemicals.
- c) did not ensure that reliable and adequate tests of non-supervised employee alarm systems were made at least very two months.
- d) employer did not train employees to assist in safe and orderly evacuation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$5000.00

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.119(o)(4): The employer did not correct deficiencies identified during the compliance audit in a timely manner.

Throughout the facility, employees were exposed to fire/explosion hazards in that the employer did not ensure resolution items identified during the compliance audit including, but not limited to the following: items 14-22, 14-23, 14-30, 14-56, 14-58, 14-59 identified during the February 21-23, 2012 audit were outstanding at the time of inspection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/26/2013
Proposed Penalty:	\$7000.00

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; this evaluation did not include a reasonable estimate of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. Where the employer cannot identify or reasonably estimate the employee exposure, the employer did not consider the atmosphere to be IDLH.

In the mechanical room, employees were exposed to chemical hazards in that the employer did not select an appropriate respirator for the hazard when an employee entered the engine room to respond to a chlorine and sodium hydroxide leak.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/19/2013
Proposed Penalty:	\$7000.00

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

Inspection Number: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.134(d)(2)(i)(A): The employer did not provide a full face pressure demand SCBA certified by NIOSH for a minimum service life of thirty minutes for employee use in IDLH atmospheres:

In the mechanical room, employees were exposed to chemical hazards in that the employer did not provide an adequate respirator for employees who respond to potential IDLH environments.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/19/2013

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.146(k)(2)(iv): The employer did not ensure that affected employees practice making permit space rescues at least once every 12 months, by means of simulated rescue operations in which they remove dummies, manikins, or actual persons from the actual permit spaces or from representative permit spaces:

Throughout the facility, the employer did not ensure employees who were designated to perform rescue from confined spaces held annual practice drills.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2013

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.146(k)(3)(ii): An authorized entrant entered a permit space and did not have the other end of the retrieval line attached to a mechanical device or fixed point outside the permit space in such a manner that rescue could begin as soon as the rescuer becomes aware that rescue is necessary:

Throughout the facility, the employer did not provide the mechanical equipment necessary to promptly rescue or retrieve employees from confined spaces in the event of an emergency.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/26/2013

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

Inspection Number: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.303(b)(6): Conductors or equipment were located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that had a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures

Electrical switch boxes with enclosures not identified for use in wet and corrosive environments located in the machine room were exposed to condensation from ammonia refrigeration piping and vessels causing the corrosion of the boxes.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/10/2013
\$3000.00

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.1200(g)(8): The employer did not ensure that Safety Data Sheets were readily accessible during each work shift to employees when they were in their work area(s):

Throughout the facility, employees were exposed to chemical hazards in that the employer did not ensure the safety data sheet for ammonia was accessible for employees.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/12/2013
Proposed Penalty:	\$1000.00

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: 810501
Inspection Date(s): 01/08/2013 - 01/17/2013
Issuance Date: 07/01/2013



Citation and Notification of Penalty

Company Name: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

In the fabrication area and the mechanical room, employees were exposed to chemical hazards in that the employer did not ensure that employees were provided adequate information and training on the hazards of a chemical such as ammonia in their work place.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/19/2013
\$1000.00

A handwritten signature in cursive script, reading "Edena L. Metcalfe". The signature is written in black ink and is positioned above a horizontal line.

Handwritten initials in cursive script, appearing to be "J.F.". The initials are written in black ink and are positioned to the left of the typed name.

Joann J. Figueroa
Area Director

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: Caviness Beef Packing, Ltd
Inspection Site: 3255 US Highway 60, Hereford, TX 79045
Issuance Date: 07/01/2013

Summary of Penalties for Inspection Number	810501
Citation 1, Serious	\$118000.00
Citation 2, Other-than-Serious	\$2000.00
TOTAL PROPOSED PENALTIES	\$120000.00

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.

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.

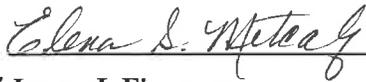
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

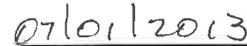
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



✓ Joann J. Figueroa

Area Director



Date

U.S. Department of Labor

Occupational Safety and Health Administration

Lubbock District Office
1205 Texas Avenue, Room 806
Lubbock, Texas 79401
Phone: 806-472-7681 Fax: 806-472-7686
<http://www.osha.gov>



Caviness Beef Packing, Ltd
3255 Us Highway 60
Hereford, TX 79045

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 cursive script, appearing to read "Joann J. Figueroa".

for JOANN J. FIGUEROA
Area Director