

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
660 White Plains Rd  
4th Floor  
Tarrytown, NY 10591  
Phone: 914-524-7510 Fax: 914-524-7515



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## Notification of Failure to Abate Alleged Violations

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**To:**  
Ferdo Supermarket Equipment Corp  
429 Devoe Avenue  
Bronx, NY 10460

**Original Inspection Number:** 785621  
**Original Inspection Date:** 12/13/2012 - 12/13/2012

**Inspection Number:** 907427  
**Inspection Date(s):** 05/15/2013 - 06/17/2013  
**Issuance Date:** 11/14/2013

**Inspection Site:**  
429 Devoe Avenue  
Bronx, NY 10460

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

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After the original inspection, a Citation(s) was issued to you in accordance with the provisions of the Occupational Safety and Health Act of 1970 (the Act), notifying you of certain violations of the Act and the dates by which they were to be abated. Based upon re-inspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. The additional penalty is computed by multiplying a daily penalty times the number of days the violation(s) remained unabated. You are to notify the Area Director in writing of the date and nature of the corrective action taken. If you do not abate the violation(s), further penalties may be proposed and other enforcement action to compel abatement may be taken under section 11(b) of the Act.

**Notification of Corrective Action** - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states the abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certificate is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

You are further notified that you must pay the ADDITIONAL PENALTY unless you inform the Area Director in writing that you intend to contest the Notification or the Additional Penalty within 15 working days (excluding weekends and Federal holidays) from your receipt of this notification. If you do not contest within 15 working days after receipt, the Notification and the additional penalties will become the final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Notification 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 the Notification is affirmed by the Review Commission.

Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.

**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](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 the OSHA to discuss the Notification of Failure to Abate Alleged Violations issued on 11/14/2013. The conference will be held by telephone or at the OSHA office located at 660 White Plains Rd, 4th Floor, Tarrytown, NY 10591 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Original Inspection Number: 785621**

Company Name: Ferdo Supermarket Equipment Corp  
Inspection Site: 429 Devoe Avenue, Bronx, NY 10460  
Issuance Date: 11/14/2013

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, 660 White Plains Rd, 4th Floor, Tarrytown, NY 10591**

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.

\_\_\_\_\_  
**NAME OF COMPANY OFFICIAL**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**TITLE**

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

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



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 785621

**Inspection Number:** 907427

**Original Inspection Dates:** 12/13/2012 - 12/13/2012

**Inspection Date(s):** 05/15/2013 - 06/17/2013

**Issuance Date:** 11/14/2013

**Company Name:** Ferdo Supermarket Equipment Corp

**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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Citation 1 Item 1

29 CFR 1910.107(c)(6): Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined was not explosion-proof type approved for Class I, group D locations and did not otherwise conform to the provisions of subpart S of this part, for Class I, Division 1, Hazardous Locations:

Location: Spray Room

a) Two large exhaust fans located inside the spray room were not explosion-proof type approved for Class I, group D locations. Flammable liquids were sprayed within 20ft. of the exhaust fans; observed on or about 05/15/13.

b) Fluorescent lights located inside the spray room were not explosion-proof type approved for Class I, group D locations. Flammable liquids were sprayed within 20ft. of the exhaust fans; observed on or about 05/15/13.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Additional Penalty:

\$ 14000.00





**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 785621

**Inspection Number:** 907427

**Original Inspection Dates:** 12/13/2012 - 12/13/2012

**Inspection Date(s):** 05/15/2013 - 06/17/2013

**Issuance Date:** 11/14/2013

**Company Name:** Ferdo Supermarket Equipment Corp

**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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Citation 1 Item 6 b

29 CFR 1910.1200(g)(8): The employer did not ensure that safety data sheets were readily accessible to the employees in their work area during each work shift:

Location: Workplace

a) Employees work with hazardous chemicals such as paints thinners, paints and degreasers. The employer did not maintain safety data sheets in the workplace; on or about 05/15/13.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Additional Penalty: \$ 5600.00



**Notification of Failure to Abate Alleged Violation**

**Original Inspection:** 785621

**Original Inspection Dates:** 12/13/2012 - 12/13/2012

**Inspection Number:** 907427

**Inspection Date(s):** 05/15/2013 - 06/17/2013

**Issuance Date:** 11/14/2013

**Company Name:** Ferdo Supermarket Equipment Corp

**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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Citation 1 Item 6 c

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:

a) Employees use hazardous chemicals such as, but not limited to, xylene and petroleum ether in the process of refurbishing commercial refrigerators. The employer did not provide hazard communication training; on or about 05/15/13.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Additional Penalty:

\$ 5600.00

A handwritten signature in black ink, appearing to read "Diana Cortez", written over a horizontal line.

**Diana Cortez**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
660 White Plains Rd  
4th Floor  
Tarrytown, NY 10591  
Phone: 914-524-7510 Fax: 914-524-7515



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Ferdo Supermarket Equipment Corp  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460  
**Issuance Date:** 11/14/2013

<b>Summary of Additional Penalties for Inspection Number</b>	<b>785621</b>
<b>Followup Inspection Number</b>	<b>907427</b>
<b>TOTAL ADDITIONAL PROPOSED PENALTIES</b>	<b>\$ 30800.00</b>

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 full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

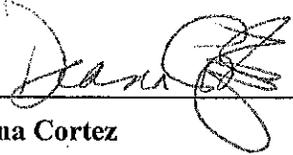
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

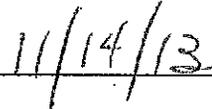
**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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 to 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 accessed occurring 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 accessed for demand letters sent in an attempt to collect the unpaid debt.



**Diana Cortez**  
Area Director



Date

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
660 White Plains Rd  
4th Floor  
Tarrytown, NY 10591  
Phone: 914-524-7510 Fax: 914-524-7515



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## Citation and Notification of Penalty

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**To:**  
Ferdo Refrigeration Equipment, Inc.  
429 Devoe Avenue  
Bronx, NY 10460

**Inspection Number:** 907427  
**Inspection Date(s):** 05/15/2013 - 06/17/2013  
**Issuance Date:** 11/14/2013

**Inspection Site:**  
429 Devoe Avenue  
Bronx, NY 10460

*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.*

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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](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 11/14/2013. The conference will be held by telephone or at the OSHA office located at 660 White Plains Rd, 4th Floor, Tarrytown, NY 10591 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 907427**

Company Name: Ferdo Refrigeration Equipment, Inc.  
Inspection Site: 429 Devoe Avenue, Bronx, NY 10460  
Issuance Date: 11/14/2013

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, 660 White Plains Rd, 4th Floor, Tarrytown, NY 10591**

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:** 907427  
**Inspection Date(s):** 05/15/2013 - 06/17/2013  
**Issuance Date:** 11/14/2013



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.107(f)(4): An adequate supply of suitable portable fire extinguishers were not installed near all spraying areas:

Location: Spray Area

a) There was no fire extinguisher in the area where employees were spraying Syn-Glo paint (Flash Point 50 degrees F.); on or about May 15, 2013

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1200.00

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:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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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 2 a** Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

Location: Spray Area

a) The employer failed to provide protective work clothing (e.g., chemical-resistant coveralls) at no cost to employees who were exposed to skin absorption hazards associated with paint overspray containing Volatile Organic Compounds (VOCs) such as, but not limited to, xylene; on or about May 15, 2013.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1600.00

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

**Inspection Number:** 907427  
**Inspection Date(s):** 05/15/2013 - 06/17/2013  
**Issuance Date:** 11/14/2013



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.1052(h)(1): Where needed to prevent methylene chloride induced skin or eye irritation, the employer did not provide clean protective clothing and equipment resistant to methylene chloride, at no cost to the employee, and/or did not ensure that each affected employee used it:

Location: Spray Area

a) The employer did not provide chemical resistant gloves to employees who use a paint stripper containing methylene chloride when cleaning painted metal surfaces; on or about May 15, 2013.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Date By Which Violation Must be Abated:

12/30/2013

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:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee use appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Location: Worksite

- a) The employer did not ensure that each employee wear protective eyewear (e.g., safety goggles) when using ZEP Industrial Purple Cleaner and Degreaser (pH 13 to 14) or while cleaning, sanding, or polishing to remove old paint from metal pieces; on or about May 15, 2013.
- b) The employer did not ensure that each employee wear protective eyewear (e.g., safety goggles) or face protection (e.g., splash shield) when exposed to paint thinner containing mineral spirits; on or about June 13, 2013.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Date By Which Violation Must be Abated:	12/30/2013
Proposed Penalty:	\$1600.00



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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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 4 a Type of Violation: **Serious****

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

Location: Worksite

a) The employer did not provide an emergency eye wash station where employees were exposed to a corrosive chemical such as ZEP Industrial Purple Cleaner and Degreaser (pH 13 to 14); on or about May 15, 2013.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Abatement Note: The eye wash must be able to provide at least 15 minutes of continuous water flushing at a rate of 0.4 gallon per minute.

Date By Which Violation Must be Abated:	12/30/2013
Proposed Penalty:	\$1600.00



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.1052(i)(2): Where it was reasonably foreseeable that an employee's eyes may contact solutions containing 0.1 percent or greater methylene chloride, the employer did not provide appropriate eyewash facilities within the immediate work area for emergency use:

Location: Spray Area

a) The employer did not provide an eyewash for employees who were exposed to a splashing hazard when handling Klean Strip Aircraft Paint Remover, a paint stripper containing methylene chloride (60%), on painted metal surfaces; on or about May 15, 2013.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Date By Which Violation Must be Abated:

12/30/2013



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.1052(d)(2): The employer did not perform initial monitoring to determine each employee's exposure to methylene chloride:

Location: Spray Area

a) The employer failed to determine employee exposure to methylene chloride where employees use a paint stripper containing methylene chloride to remove old paint from metal surfaces; on or about May 15, 2013.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19

Date By Which Violation Must be Abated:	12/30/2013
Proposed Penalty:	\$1600.00



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.107(g)(2): All spraying areas were not kept as free as practicable from the accumulation of deposits of combustible residues by cleaning conducted daily if necessary:

Location: Spray room

a) The employer did not clean the spray area as frequently as practicable to prevent deposits of combustible residues from accumulating on walls and working surfaces; on or about 5/15/13.

The Ferdo Refrigeration Equipment Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.107(g)(2), which was contained in OSHA inspection number 785621, citation number 1, item number 4 and was affirmed as a final order on April 25, 2013, with respect to a workplace located at 429 Devoe Avenue, Bronx, NY.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/14/2013
Proposed Penalty:	\$3200.00



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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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 2 Item 2 a Type of Violation: **Repeat****

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

Location: Spray Room

a) The employer failed to provide information contained in Appendix <sup>D</sup> of 29 CFR 1910.134 to employees it allowed to wear half-face negative pressure respirators when they spray paint refrigerator parts; on or about 05/15/13.

Ferdo Refrigeration Equipment, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(c)(1), which was contained in OSHA Inspection Number 785621, citation number 1, item number 5 and was affirmed as a final order on April 25, 2013, with respect to a workplace located at 429 Devoe Avenue, Bronx, NY.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/14/2013
Proposed Penalty:	\$2400.00

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:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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

29 CFR 1910.134(c)(2)(ii): The employer did not establish and implement those elements of a written program necessary to ensure that any employee using a respirator voluntarily was medically able to use that respirator, and that the respirator was cleaned, stored, and maintained so that its use does not present a health hazard to the user. Location:

Spray Room

a) The employer failed to provide medical evaluation to employees it allowed to wear half-face negative pressure respirators when they spray paint refrigerator parts; on or about 05/15/13.

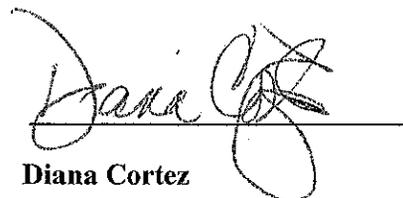
Ferdo Refrigeration Equipment, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(c)(1), which was contained in OSHA Inspection Number 785621, citation number 1, item number 5 and was affirmed as a final order on April 25, 2013, with respect to a workplace located at 429 Devoe Avenue, Bronx, NY.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

12/14/2013

  
**Diana Cortez**

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:** 907427  
**Inspection Date(s):** 05/15/2013 - 06/17/2013  
**Issuance Date:** 11/14/2013



**Citation and Notification of Penalty**

**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460

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Area Director

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

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
660 White Plains Rd  
4th Floor  
Tarrytown, NY 10591  
Phone: 914-524-7510 Fax: 914-524-7515



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Ferdo Refrigeration Equipment, Inc.  
**Inspection Site:** 429 Devoe Avenue, Bronx, NY 10460  
**Issuance Date:** 11/14/2013

<b>Summary of Penalties for Inspection Number</b>	<b>907427</b>
<b>Citation 1, Serious</b>	<b>\$7600.00</b>
<b>Citation 2, Repeat</b>	<b>\$5600.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$13200.00</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.

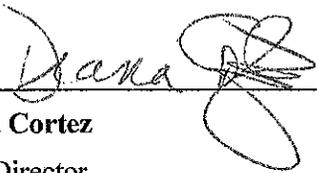
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

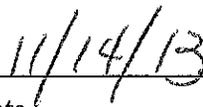
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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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**Diana Cortez**  
Area Director

  
\_\_\_\_\_  
Date