

## U.S. Department of Labor

Occupational Safety and Health Administration  
Fountainhead Tower  
8200 W. Interstate 10, Suite 605  
San Antonio, TX 78230  
Phone: 210-472-5040 Fax: 210-472-5045



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## Citation and Notification of Penalty

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**To:**  
**Fresh from Texas, Inc.**  
and its successors  
3602 HIGHPOINT  
San Antonio, TX 78217

**Inspection Number: 953367**  
**Inspection Date(s): 12/29/2013 - 01/07/2014**  
**Issuance Date: 06/27/2014**

**Inspection Site:**  
3602 HIGHPOINT  
San Antonio, TX 78217

*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. *Please contact the U.S. Department of Labor – OSHA for an informal conference at 210-472-5040 ext. 237 for an appointment.*

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

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. **You can also make your payment electronically on [www.pay.gov](http://www.pay.gov).** On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

**Notification of Corrective Action** – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](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 06/27/2014. The conference will be held by telephone or at the OSHA office located at Fountainhead Tower, 8200 W. Interstate 10, Suite 605, San Antonio, TX 78230 on

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 953367**

Company Name: Fresh from Texas, Inc.  
Inspection Site: 3602 HIGHPOINT, San Antonio, TX 78217  
Issuance Date: 06/27/2014

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, Fountainhead Tower, 8200 W. Interstate 10, Suite 605, San Antonio, TX 78230**

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): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

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

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



**Citation and Notification of Penalty**

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that on or about December 29, 2013 employees were exposed to vapors and gases resulting in coughing, tearing, fainting, nausea/vomiting, headaches, and difficulty breathing, leading to the hospitalization of approximately 11 employees.

- a) Employees are exposed to the inhalation of chemicals such as, but not limited to, chlorine gas and nitrogen trichloride gas, resulting from failure of the Pulse Instruments EP 500 (Model EP500-21NBNN, SN: 0807101482) automated chemical injection system to operate properly. The Pulse Instruments EP 500 system is used to provide chlorinated wash water for sanitation of produce.
- b) Employees are exposed to the inhalation of chemicals such as, but not limited to, chlorine when incompatible chemicals such as sodium hypochlorite (chlorinated "Plant Water"), a strong oxidizer, and quaternary ammonium chloride (boot dip) become mixed together on the facility production floor.

Exposure to chlorine gas can cause death or serious injury, permanent disability, or irreversible illness from permanent lung damage and central nervous system damage.

Among other methods, feasible and acceptable means to correct this hazard include, but are not limited to, the following:

- Establish a protocol to eliminate the potential for mixing of incompatibles chemicals such as sodium hypochlorite and quaternary ammonium chloride.
- Establish a written procedure for the use and maintenance of Pulse EP 500 and other equipment related to the production of chlorinated water.
- Provide area air monitors to test the air for chlorine gas.
- Install an alarm system which notifies employees when chlorine levels exceed 1.0 ppm

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

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Occupational Safety and Health Administration

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**Citation and Notification of Penalty**

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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- Assure that the Pulse EP 500 is operated and used in accordance with the manufacturer's recommendations.
  
- Establish a written operating procedure for the Pulse EP 500 which includes the use and calibration of all testing equipment.
  
- Provide a training program, to include certification for employees responsible for operating and maintaining the Pulse EP 500.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/17/2014
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:** 953367  
**Inspection Date(s):** 12/29/2013 - 01/07/2014  
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**Citation and Notification of Penalty**

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

29 CFR 1910.95(c)(1): The employer did not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.9(c) through (o) whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level of 85 decibels measured on the A scale, or equivalently a dose of fifty percent:

- a) Area 2, Urschel Dicer Model G-A: On or about January 2, 2014, and times prior there to, employee(s) operating an Urschel Food Dicer (Model G-A, SN 4307) were exposed to continuous noise at a dose of 87.1% (8-Hour Time Weighted Average sound level of 85 dBA) during the 457 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 89.0 dBA. Exposure calculations include a zero increment for the 23 minutes not sampled.
- b) Area 2, Urschel Dicer Model C: On or about January 2, 2014, and times prior there to, employee(s) operating an Urschel Food Dicer (referred to as "Model C") were exposed to continuous noise at a dose of 85.6% (8-Hour Time Weighted Average sound level of 85 dBA) during the 380 minute sampling period. For a full eight hour work shift this exposure is equivalent to an average sound level of 88.9 dBA. Exposure calculations include a zero increment for the 100 minutes not sampled.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/27/2014  
\$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:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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**Citation 1 Item 3** 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; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

Production Facility: On or about December 29, 2013, the employer did not evaluate and identify respiratory hazards or estimate employee exposures associated with the potential generation of chlorine gas through chlorinated wash water, called "Plant Water", produced by an onsite Pulse Instruments EP500 System (Model EP500-21NBNN, SN: 0807101482), using Sodium Hypochlorite (10-12.5%) and Citric Acid (50%), distributed throughout the facility and used by employees who prepare and sanitize fresh produce. Chlorinated wash water used for produce sanitation poses a respiratory health hazard to employees in the event of overchlorination, warm water temperatures, acidic conditions or mixing with incompatible chemicals, such as boot dips containing Sani-T-10 Plus and/or Q-4 (quaternary ammonium chloride) on facility floors.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/17/2014
Proposed Penalty:	\$7000.00

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

**Inspection Number:** 953367  
**Inspection Date(s):** 12/29/2013 - 01/07/2014  
**Issuance Date:** 06/27/2014



**Citation and Notification of Penalty**

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

Production Facility: On or about December 29, 2013, and times prior there to, the company did not provide training to employees who were expected to extinguish fires in the facility using hand-held fire extinguishers in the event of a minor fire emergency.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/27/2014
Proposed Penalty:	\$4400.00

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:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

Area 1: On or about March 28, 2014, employees were exposed to chemical hazards from a boot dip receptacle which contained a chemical called Q-4 Sanitizer (Alkyl dimethyl benzyl ammonium chloride, Octyl Decyl Dimethyl Ammonium Chloride, Dioctyl Dimethyl Ammonium Chloride, Didecyl Dimethyl Ammonium Chloride, Ethanol) and was incorrectly affixed with a label identifying the chemical in the receptacle as Sani-T-10 Plus (Octyl Decyl Ammonium Chloride, Didecyl Dimethyl Ammonium Chloride, Dioctyl Dimethyl Ammonium Chloride, Alkyl dimethyl benzyl ammonium chloride).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/07/2014
Proposed Penalty:	\$6600.00



**Citation and Notification of Penalty**

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

- a) Production Facility: On or about December 29, 2013, and times prior there to, employees who were exposed to hazards from chemicals and resulting mixtures of these chemicals, such as but not limited to Sodium Hypochlorite (10-12.5%), Citric Acid (50%), Hydrochloric Acid (15%), Akta Klor 7.5 (7.5% Sodium Chlorite Solution), Sani-T-10 Plus (Quaternary Ammonium Chloride), Q-4 (Quaternary Ammonium Chloride), chlorinated "Plant Water" and Chlorine Dioxide, were not informed by the company of the associated hazards of these chemicals, symptoms of exposure, and precautionary measures.
  
- b) Production Facility: On or about December 29, 2013, and times prior there to, temporary laborers who were exposed to hazards from chemicals and resulting mixtures of these chemicals, such as but not limited to Sodium Hypochlorite (10-12.5%), Citric Acid (50%), Hydrochloric Acid (15%), Akta Klor 7.5 (7.5% Sodium Chlorite Solution), Sani-T-10 Plus (Quaternary Ammonium Chloride), Q-4 (Quaternary Ammonium Chloride), chlorinated "Plant Water" and Chlorine Dioxide, were not informed by the company of the associated hazards of these chemicals, symptoms of exposure, and precautionary measures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/27/2014
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:** 953367  
**Inspection Date(s):** 12/29/2013 - 01/07/2014  
**Issuance Date:** 06/27/2014



**Citation and Notification of Penalty**

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

Area 5: On or about December 29, 2013, employee(s) were exposed to the lack of accessibility to a fire extinguisher, which was blocked by several stacked bins containing various items, including vegetables, and could not be readily accessed in the event of a fire.

Fresh From Texas, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.157(c)(1) which was contained in OSHA inspection number 315629634, citation number 01 , item number 001 and was affirmed as a final order on March 5, 2012 , with respect to a workplace located at 3602 Highpoint St., San Antonio, TX 78217.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/07/2014
Proposed Penalty:	\$22000.00

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:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

29 CFR 1904.31(b)(2): The employer does not record injuries and/or illnesses for employees obtained from a temporary help service, employee leasing service, or personnel supply service, and were supervised by the employer on a day-to-day basis:

The employer does not ensure that each work related fatality, injury or illness for temporary laborers, who are under the day-to-day supervision of the employer and whose injury or illness meets the general recording criteria, is recorded on the OSHA 300 log. This violation occurred on or about December 28, 2013, when employee Iworks-014 suffered a chemical inhalation injury requiring medical treatment beyond first aid when a prescription drug was given to the employee.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/04/2014
Proposed Penalty:	\$1100.00



### Citation and Notification of Penalty

**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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

29 CFR 1904.32(a)(1): A review of the OSHA Log of Recordable Work-Related Injuries and Illnesses (OSHA Form 300 or equivalent) was not completed to ensure the Log was accurate and complete, and/or deficiencies were not identified and corrected at the end of each calendar year. Fresh From Texas, Inc. did not record the following workplace injury correctly on the OSHA Form 300 for calendar year 2013:

- a) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-01-01 (Production) obtained a left knee injury on January 11, 2013. The employee tripped on a pallet causing a left knee sprain. The injury was recorded as Other Recordable Case even though the injury resulted in at least 240 days away from work.
- b) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-01-25 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- c) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-01-26 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- d) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-01-27 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.

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:** Fresh from Texas, Inc.

**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217

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- e) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-01-28 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- f) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-01 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- g) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-02 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- h) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-03 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- i) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-04 (Line Lead) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.
- j) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-05 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.

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



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k) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-06 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.

l) The employer does not ensure that entries on the OSHA Form 300 are complete and accurate or corrections are made to any deficiencies identified. This violation occurred on or about December 31, 2013 when employee 13-02-07 (Production) obtained an inhalation injury caused by chemical exposure on December 29, 2013. Column (3) was not completed to identify the injury as a respiratory condition.

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/04/2014  
\$1100.00

A handwritten signature in black ink that reads "for Alejandro Portales J".

**Kelly C. Knighton, CSP**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Fountainhead Tower  
8200 W. Interstate 10, Suite 605  
San Antonio, TX 78230  
Phone: 210-472-5040 Fax: 210-472-5045



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Fresh from Texas, Inc.  
**Inspection Site:** 3602 HIGHPOINT, San Antonio, TX 78217  
**Issuance Date:** 06/27/2014

<b>Summary of Penalties for Inspection Number</b>	<b>953367</b>
<b>Citation 1, Serious</b>	<b>\$39000.00</b>
<b>Citation 2, Repeat</b>	<b>\$22000.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$2200.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$63200.00</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. **You can also make your payment electronically on [www.pay.gov](http://www.pay.gov).** On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

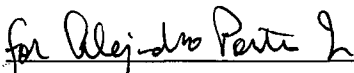
The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

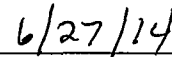
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Kelly C. Knighton, CSP

Area Director



Date