

U.S. Department of Labor
Occupational Safety and Health Administration
1310 W. Clairemont Avenue
Eau Claire, WI 54701
Phone: 715-832-9019 Fax: 715-832-1147



Citation and Notification of Penalty

To:
Gilman Cheese Corp.
PO Box 187
Gilman, WI 54433

Inspection Number: 829801
Inspection Date(s): 01/15/2013 – 04/23/2013
Issuance Date: 06/07/2013

Inspection Site:
300 S Riverside Dr.
Gilman, WI 54433

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 06/07/2013. The conference will be held by telephone or at the OSHA office located at 1310 W. Clairemont Avenue, Eau Claire, WI 54701 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 829801

Company Name: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433
Issuance Date: 06/07/2013

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, 1310 W. Clairemont Avenue, Eau Claire, WI 54701**

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: 829801
Inspection Date(s): 01/15/2013 – 04/23/2013
Issuance Date: 06/07/2013



Citation and Notification of Penalty

Company Name: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

Citation 1 Item 1 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:

- a) In the chemical storage area; The employer did not have adequate eyewash facilities in the immediate area for use while employees were working with Guard 400, a corrosive chemical.
- b) At the powered industrial vehicle battery charging area; The employer did not have adequate eyewash facilities in the immediate area for employees while servicing powered industrial vehicle batteries.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/08/2013
\$2100.00

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

- a) Within the facility; Employees operating powered industrial vehicles; such as but not limited to, Crown walk behind lifts and an Automatic Transport Company stand up lift, were not trained on safe operation including classroom training and hands on training under observation.

Date By Which Violation Must be Abated: 07/08/2013
Proposed Penalty: \$2100.00

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

- a) Within the facility; The employer did not ensure that the powered industrial vehicles; such as but not limited to, Crown walk behind lifts and an Automatic Transport Company stand up lift, were examined for mechanical and safety defects prior to daily use.

Date By Which Violation Must be Abated: 07/08/2013

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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 3 a Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch:

- a) In the maintenance shop; The work rest on the bench grinder was not adjusted properly and created approximately one quarter of an inch gap from the abrasive wheel.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/08/2013
\$2100.00

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

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

- a) In the maintenance shop; The adjustable tongue guard on the bench grinder was missing, creating a gap of approximately one inch.

Date By Which Violation Must be Abated:

07/08/2013

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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

29 CFR 1910.243(c)(3): Abrasive wheels used on vertical portable grinder(s) (right angle head grinders) were not provided with safety guard(s) having a maximum exposure angle of 180 degrees and located between the operator and wheel:

- a) In the maintenance shop; The hand held Milwaukee portable grinder with an approximate four inch abrasive wheel did not have a safety guard on it.

Date By Which Violation Must be Abated:

07/08/2013



Citation and Notification of Penalty

Company Name: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring:

- a) At the Cryovac in the production area; A flexible cord connected with wire nuts was used as a substitute for fixed wiring on the Cryovac 1 machine.

Date By Which Violation Must be Abated: 07/08/2013
Proposed Penalty: \$2100.00

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

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

- a) Within the facility; The employer did not ensure that the employees were trained in and familiar with electrical safety-related work practices prior to wiring in vacuum pumps, changing ballasts on lighting and performing other electrical work within the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/08/2013
Proposed Penalty: \$3500.00

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: 829801
Inspection Date(s): 01/15/2013 – 04/23/2013
Issuance Date: 06/07/2013



Citation and Notification of Penalty

Company Name: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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

29 CFR 1910.1030(g)(2): The employer did not train each employee with occupational exposure in accordance with the requirements of this section:

- a) In the facility; The employer did not train the maintenance staff on occupational exposure prior to their exposure to blood as a result of an accident that occurred on December 14, 2012.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/08/2013
\$2800.00

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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 1 a Type of Violation: **Willful**

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

- a) Throughout the production area; The employer did not develop, document and utilize energy control procedures that clearly and specifically outlined the scope, purpose, authorization, rules and techniques for use when the employees were performing cleaning, servicing and maintenance activities on machines and equipment; such as but not limited to the Tiromatt packaging machines, Cryovac machines, grinders and an auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/08/2013
Proposed Penalty:	\$56000.00

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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

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

- a) Throughout the production area; The employer did not ensure that the employees were trained as authorized or affected employees in the control of hazardous energy prior to performing cleaning, servicing and maintenance activities of machines and equipment; such as but not limited to the Tiromatt packaging machines, Cryovac machines, grinders and an auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/08/2013

Citation 2 Item 1 c Type of Violation: **Willful**

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

- a) Throughout the production area; Lockout tagout devices were not utilized for each energy isolation device during cleaning, servicing and maintenance activities of machines and equipment; such as but not limited to the Tiromatt packaging machines, Cryovac machines, grinders and an auger.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 07/08/2013

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a) At the Tiromatt machines; The employees were exposed to hazards as they worked near the blades of the Tiromatt packaging machines without adequate point of operation guarding.
 - (i) The interlocks on the Tiromatt 1 packaging machine were inoperable and when guards were removed the machine continued to operate. On or about December 14, 2012, an employee had two fingers amputated as a result of the lack of point of operation guarding on the Tiromatt 1 machine.
 - (ii) Inadequate guarding on the Tiromatt 2 packaging machine allowed employees to reach into the point of operation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/08/2013
Proposed Penalty:	\$56000.00

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: Gilman Cheese Corp.
Inspection Site: 300 S Riverside Dr., Gilman, WI 54433

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

29 CFR 1910.36(g)(4): Objects that projected into the exit route reduced the width of the exit route to less than the 28 inches minimum width requirements for exit routes:

- a) In the fill room and in the production area; Three exit routes had objects projecting into the route including a cart at the first exit, a chair and fan at the second exit and a pallet of product at the third exit.

Date By Which Violation Must be Abated:

07/08/2013

Proposed Penalty:

\$0.00

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

- a) At the Tiromatt packaging machines; The employees used compressed air rated at approximately 100 p.s.i. for cleaning purposes.

Date By Which Violation Must be Abated:

07/08/2013

Proposed Penalty:

\$0.00

Handwritten signature of Carl W. Hysell in black ink.

For **Mark Hysell**
Area Director