

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



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## Citation and Notification of Penalty

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**To:**  
Hanby Farms Inc.  
and its successors  
P.O. Box 97  
Nashport, OH 43830

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015

**Inspection Site:**  
10790 Newark Road  
Nashport, OH 43830  
  
7014 2120 0003 6945 1078

*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. 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 \$25,000 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.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/29/2015. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1006716**

Company Name: Hanby Farms Inc.  
Inspection Site: 10790 Newark Road, Nashport, OH 43830  
Issuance Date: 04/29/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 200 N. High Street, Room 620, Columbus, OH 43215**

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

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

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

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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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 were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees due to falling from a raised working surface:

a. At the dumpster, employees stand on a pallet raised by a forklift to five feet above the ground to dump barrels of trash into the dumpster, exposing employees to a five foot fall hazard.

Reference ANSI B56.1-2005. Part II for Users: General Safety Practices & Operating Safety Rules and Practices. Among other methods, one feasible and acceptable abatement method to correct this hazard is to purchase a manufacturer's approved cage for the powered industrial truck and provide fall protection for employees while in the raised cage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$2800.00

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: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
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**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Every open-sided floor or platform for feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder:

a. In the bagging area of the feed mill, the platform to get to the old bagger was missing a four foot section of guardrail, thereby exposing employees to an 11 foot fall hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3500.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.24(h): "Railings and handrails." Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of 1910.23:

- a. Near the dryer, the fixed industrial stairs had an open side without standard railing, thereby exposing employees to a four foot fall hazard.
- b. The fixed industrial stairs behind the dryer had an open side without standard railing, thereby exposing employees to a six foot fall hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2800.00



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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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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 1910.27(d)(1)(iv): Cages shall extend down the ladder to a point not less than seven feet nor more than eight feet above the base of the ladder, with bottom flared not less than four inches, or portion of cage opposite ladder shall be carried to the base:

- a. The cage for the industrial ladder at the dryer was installed at nine feet above the base, exposing employees to an 11 foot fall hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/19/2015  
\$3500.00

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
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**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.27(e)(4): "Pitch greater than 90 degrees." Ladders having a pitch in excess of 90 degrees with the horizontal are prohibited:

a. In the back storage bin area, the employer had a fixed ladder with a cage. The section of the ladder below the cage was angled in excess of 90 degrees, exposing employees to an 11 foot fall hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/19/2015

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
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**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.27(f): "Maintenance." All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure:

a. The fixed industrial ladder used to access the head house was damaged, in that the cage was broken and deteriorated. Employees were exposed to a fall hazard of 15 to 20 feet.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/19/2015  
\$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: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.106(g)(3)(iv)(d): The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means:

a. The 520 gallon, aboveground, gasoline dispensing tank near the garage was not protected from inadvertent physical damage from vehicles, exposing employees to a fire/explosion hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/19/2015  
\$2800.00

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

Inspection Number: 1006716  
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Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.145(c)(3): Safety instruction signs. Safety instruction signs shall be used where there is a need for general instructions and suggestions relative to safety measures:

a. At the Northwest door to the bagging room, the employer did not have a combustible dust hazard sign to warn against potential deflagration and explosion hazards from combustible dust atmospheres that may occur during the handling and bagging of dried ingredients.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$2800.00

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: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
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**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.146(c)(2): If the workplace contains permit spaces, the employer shall inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces. NOTE: A sign reading DANGER -- PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign:

a. Doors to grain silo bins were not posted with confined space signs or an equally effective notice, therefore exposing employees to atmospheric, caught in, and engulfment hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 05/19/2015  
Proposed Penalty: \$2100.00

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.178(c)(2)(vi)(a): Only approved power operated industrial trucks designated as EX shall be used in atmospheres in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced:

a. In the bagging and pelletizing areas, employees used a Toyota combustion engine forklift to move materials; the area was a Class II location due to airborne grain dust. Due to this ignition source, employees were exposed to a fire/explosion hazard.

Comply with the outlined information in: 29 CFR 1910.178(c)(2)(vi)(b): The EX classification usually includes the working areas of grain handling and storage plants, room containing grinders or pulverizers, cleaners, graders, scalpors, open conveyors or spouts, open bins or hoppers, mixers, or blenders, automatic or hopper scales, packing machinery, elevator heads and boots, stock distributors, dust and stock collectors (except all-metal collectors vented to the outside), and all similar dust producing machinery and equipment in grain processing plants, starch plants, sugar pulverizing plants, malting plants, hay grinding plants, and other occupancies of similar nature; coal pulverizing plants (except where the pulverizing equipment is essentially dust tight); all working areas where metal dusts and powders are produced, processed, handled, packed, or stored (except in tight containers); and other similar locations where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 05/14/2015  
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: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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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 10 a      Type of Violation: **Serious**

29 CFR 1910.178(l)(3)(ii)(F): Training program content. Powered industrial truck operators shall receive initial training in the following topics, except in topics which the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace. Workplace-related topics:  
Hazardous (classified) locations where the vehicle will be operated:

a. Employees were not trained to identify and understand the limitations and hazards of powered industrial vehicles in Class II hazardous locations/environments.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$3500.00



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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.178(l)(4)(ii)(A): Refresher training in relevant topics shall be provided to the operator when: The operator has been observed to operate the vehicle in an unsafe manner:

a. Employees were not retrained on forklift limitations and operations as it pertains to climbing onto the forks without an approved adaptation device. Employees were exposed to a fall hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/19/2015

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:** 1006716  
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**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
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**Citation 1 Item 11 Type of Violation: **Serious****

29 CFR 1910.178(m)(5)(iii): When the operator of an industrial truck is dismounted and within 25 ft. of the truck still in his view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement:

a. Near the grain elevator, a Cat forklift was used to raise a motor. The employees left the forklift unattended with the forks raised to approximately ten feet. Employees were exposed to a struck by hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$2100.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.178(o)(1): Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered:

a. Near the grain elevator, the employees were using the forklift as an under slung hoisting device to raise a motor. The load was not protected from displacement from the rigging sliding free, exposing the employees a struck by hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$2800.00

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

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

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**Company Name:** Hanby Farms Inc.  
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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.219(e)(3)(i): Vertical and inclined belts shall be enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section:

a. In the bagging area, the roller mill had a series of six, half inch belts that were unguarded. The employees were exposed to a caught in hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$3500.00

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**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
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Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.219(f)(3): Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets:

a. On the catwalk over the bagging area, the chain and sprocket for the old bagger was not guarded. Employees were exposed to a caught in hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$3500.00

U.S. Department of Labor  
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**Company Name:** Hanby Farms Inc.  
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**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.272(e)(1)(ii): Specific procedures and safety practices applicable to their job tasks including but not limited to, cleaning procedures for grinding equipment, clearing procedures for choked legs, housekeeping procedures, hot work procedures, preventive maintenance procedures and lock-out/tag-out procedures:

- a. The employees were not trained on safety practices and procedures for clearing a choked (clogged) leg, thereby exposing employees to caught in, fire, and explosion hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/19/2015  
\$3500.00

**U.S. Department of Labor**  
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**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
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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 16 a      Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(i): The employer shall issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative (who would otherwise authorize the permit) is present during the entire operation. The permit shall certify that the precautions contained in this paragraph (1910.272(g)) have been implemented prior to employees entering bins, silos or tanks. The permit shall be kept on file until completion of the entry operations:

a. The employer had not developed a program for issuing bin entry permits and the employer did not certify that precautions contained in paragraph 1910.272(g) had been performed. The employees were exposed to atmospheric, engulfment, and caught in hazardous equipment hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$3500.00



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.272(g)(1)(iii): The atmosphere within a bin, silo, or tank shall be tested for the presence of combustible gases, vapors, and toxic agents when the employer has reason to believe they may be present. Additionally, the atmosphere within a bin, silo, or tank shall be tested for oxygen content unless there is continuous natural air movement or continuous forced-air ventilation before and during the period employees are inside. If the oxygen level is less than 19.5%, or if combustible gas or vapor is detected in excess of 10% of the lower flammable limit, or if toxic agents are present in excess of the ceiling values listed in Subpart Z of 29 CFR Part 1910, or if toxic agents are present in concentrations that will cause health effects which prevent employees from effecting self-rescue or communication to obtain assistance, the following provisions apply:

a. The employer did not have atmospheric testing equipment for use prior to performing bin entry. Atmospheric testing had not been performed, therefore the employees were exposed to hazardous atmospheric conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/19/2015



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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.272(g)(4): The employer shall provide equipment for rescue operations which is specifically suited for the bin, silo, or tank being entered:

a. The employer did not have tripods or other rescue equipment available to perform rescue operations. Employees were exposed to an engulfment hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.272(g)(5): The employee acting as observer shall be trained in rescue procedures, including notification methods for obtaining additional assistance.

a. Employees were not trained in rescue procedures; therefore employees were exposed to engulfment and hazardous atmospheric conditions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/19/2015  
\$3500.00

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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 19 a      Type of Violation: **Serious**

29 CFR 1910.303(b)(1)(vi): Examination. Electric equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations: Arcing effects:

a. In the electrical room, the safety switch box was open with exposed fuses and spliced flexible cords. The employees were exposed to an arc flash/arc blast hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.303(b)(1)(viii): Examination. Electric equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations. Other factor that contribute to the practical safeguarding of persons using or likely to come in contact with the equipment:

a. In the electrical room, the employer failed to inspect motor control center (MCC) equipment to ensure that the covers and trim were installed upon completion of work. Due to this condition, combustible grain dust can collect in the electrical equipment, exposing employees to a fire / explosion hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

- a. In the electrical room, the employer failed to guard the MCC to ensure that the covers and trim were installed upon completion of work. The employees were exposed to a fire / explosion hazard.
- b. In the electrical room, the safety switch box, with two flexible cords hardwired into the phases, was open with exposed live parts greater than 50 volts, exposing employees to electrical hazards. Additionally, this condition is an ignition source for combustible grain dust that poses increased risk for fire and explosion.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

05/19/2015

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.304(g)(5): Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective:

- a. In the electrical room, the black four gauge wire used to energize the Leeson model C6T17FC9H motor in the Head House, was not grounded. Employees were exposed to an electrical contact hazard.
- b. In the "old set up", a flexible cord was missing the ground pin. Employees were exposed to an electrical contact hazard.
- c. In the bagging area, the flexible cord for the fan was missing the grounding pin. Employees were exposed to an electrical contact hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$4900.00

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:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

- a. In the electrical room, the pallet leg box had an unused opening on the side. Employees were exposed to an electrical hazard.
- b. In the "old set up," the Drymore safety shutoff switch box had an unused opening in the top of the box. The employees were exposed to a fire/explosion hazard.
- c. In the "old set up," the pit/leg panel box had an unused opening between the light for the orange tank and the road fan. The employees were exposed to electrical hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 05/26/2015  
Proposed Penalty: \$4900.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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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 22 a      Type of Violation: **Serious**

29 CFR 1910.305(c)(4): Faceplates for flush-mounted snap switches. Snap switches mounted in boxes shall have faceplates installed so as to completely cover the opening and seat against the finished surface:

a. In the owner's office, the snap switch for the lights did not have a cover. The employees were exposed to an electrical hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3500.00



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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 2.44 m (8.0 feet) above the floor may have exposed terminals:

a. In the main office, the receptacle used to energize the air conditioning unit did not have a cover to protect employees from exposure to live parts. Employees were exposed to contact with electrical current.

b. In the owner's office, the receptacle used to power the computer, printer, and monitor did not have a cover to protect employees from contact with live parts. Employees were exposed to contact with electrical current.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.305(g)(1)(iv)(A): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used: As a substitute for the fixed wiring of a structure:

- a. In the plant manager's office, a flexible cord set was used in lieu of fixed wiring, to provide current to a printer. Employees were exposed to a fire hazard.
  
- a. In the main office building, a flexible cord set was used in lieu of fixed wiring, to provide current to a printer in the back room. Employees were exposed to a fire hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$2800.00

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: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.305(g)(1)(iv)(B): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used: Where run through holes in walls, ceilings, or floors:

a. In the feed mill, the flexible cord hardwired into the 480 safety switch box ran out of the electrical room and up approximately 100 feet through the ceiling. The cord then ran along the outside of the headhouse to the window, and through the window into the motor running the conveyor system.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$4900.00

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws:

a. In the building across from the grain loading station, the 240 VAC, flexible cord was not provided proper strain relief. The employees were exposed to an electrical hazard.

b. In the bagging area near the door on the North wall, the 240 VAC, flexible cord was not provided with strain relief. The employees were exposed to an electrical hazard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3500.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.305(j)(4)(ii): An individual disconnecting means shall be provided for each controller. A disconnecting means shall be located within sight of the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated controllers mounted adjacent to each other on a multi-motor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means that is to be locked in the open position:

a. The motor in the head house is not provided with a disconnect within sight of the motor. Employees were exposed to a fire/explosion hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$3500.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.132(d)(2): The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment:

- a. The employer failed to certify in writing that a hazard assessment had been performed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$0.00

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

Inspection Number: 1006716  
Inspection Date(s): 11/06/2014 - 03/25/2015  
Issuance Date: 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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

29 CFR 1910.157(e)(2): Portable extinguishers or hose used in lieu thereof under paragraph (d)(3) of this section shall be visually inspected monthly:

- a. The employer failed to inspect any of the fire extinguishers in the plant on a monthly basis.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	05/19/2015
Proposed Penalty:	\$0.00

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

**Inspection Number:** 1006716  
**Inspection Date(s):** 11/06/2014 - 03/25/2015  
**Issuance Date:** 04/29/2015



**Citation and Notification of Penalty**

**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830

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


29 CFR 1910.178(a)(6): The user shall see that all nameplates and markings are in place and are maintained in a legible condition:

a. The name plates and load capacity markings were removed from the Caterpillar #4 forklift, exposing the employees to a struck by hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/19/2015  
\$0.00

  
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**Deborah J. Zubaty**  
Area Director



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



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Hanby Farms Inc.  
**Inspection Site:** 10790 Newark Road, Nashport, OH 43830  
**Issuance Date:** 04/29/2015

<b>Summary of Penalties for Inspection Number</b>	<b>1006716</b>
<b>Citation 1, Serious</b>	<b>\$91000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$91000.00</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 \$25,000 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.

  
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**Deborah J. Zubaty**  
Area Director