

U.S. Department of Labor
Occupational Safety and Health Administration
800 Dolorosa
Suite 203
San Antonio, TX 78207
Phone: 210-472-5040 FAX: 210-472-5045



Citation and Notification of Penalty

To:
IFCO Systems North America Inc.
and its successors
5250 Tacco Dr.
San Antonio, TX 78244

Inspection Number: 315627596
Inspection Date(s): 09/14/2011-12/13/2011
Issuance Date: 03/13/2012

Inspection Site:
5250 Tacco Dr.
San Antonio, TX 78244

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.

Please read the following paragraphs which outline your rights and responsibilities.

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 enter into an Informal Settlement Agreement or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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, call our office between 8:00 a.m. and 4:30 p.m. for an appointment, please **complete, remove and post the page 4 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 attached Invoice/Debt Collection Notice for details of 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 are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. Attached are two fill-in-the blank form letters for your use to assist you in meeting this requirement.

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

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

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.

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.

Abatement Methods - The employer is not limited to abatement methods suggested by OSHA; i.e., methods explained are general and may not be effective in all cases. Other methods of abatement may be equally or more appropriate. Ultimate responsibility for determining the most appropriate abatement method rests with the employer, given its superior knowledge of the specific conditions at its worksite.

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 your inspection will be available 30 calendar days after the Citation Issuance Date. 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 03/13/2012. The conference will be held at the OSHA office located at 800 Dolorosa, Suite 203, San Antonio, TX 78207 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

ABATEMENT CERTIFICATION

REFERENCE: IFCO Systems North America Inc. 315627596
5250 Tacco Dr.
San Antonio, TX 78244

PLEASE FILL IN ABATEMENT/CORRECTION METHOD INCLUDING DATE COMPLETED FOR EACH ITEM CITED AND RETURN TO THE AREA DIRECTOR. Supporting documentation shall be included; e.g., drawings/photographs, purchase/work orders, air sampling results, or any other related information to show corrections. Abatement verification must be posted and certified as being true and correct. Responses are due **within 10 calendar days** from each abatement date and must be postmarked within the 10 calendar day period.

When the item indicated **QUICK FIX or CORRECTED DURING INSPECTION**, the compliance officer witnessed the abatement/correction during the inspection, and no response is required.

Citation 1, Item 1: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1, Item (a)5: Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1, Item 5 (b): Serious

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2, Item 1: Other

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2, Item 2: Other

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2, Item 3: Other

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2, Item 4: Other

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

IFCO Systems North America Inc.
5250 Tacco Dr.
San Antonio, TX 78244

315627596

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

Certification of Abatement Response by: _____

Title: _____

Date: _____



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1910.178(m)(11): Dockboard or bridgeplates, were not properly secured before they were driven over:

- a) Dock: Yale Forklifts, Model GLP050VX: On or about 9/15/11 and at times prior thereto employee(s) were exposed to a struck by hazard when driving over an unsecured bridgeplate while loading and unloading semi-trailers that ranged from approximately 48 to 53 ft. in length.

Date By Which Violation Must be Abated: 04/06/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

Citation 1 Item 2a 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) Maintenance/Tool room, Dayton 8" Bench Grinder, Model: 4Z909B, Lot No 9808: On or about 9/14/11 and at times prior there to employee(s) were exposed to a struck by hazard from the tool rest being approximately 1 and 3/4 inch from the grinding wheel on both abrasive wheels of the bench grinder.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5500.00

Citation 1 Item 2b 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) Maintenance/Tool room, Dayton 8" Bench Grinder, Model: 4Z909B, Lot No 9808: On or about 9/14/11 and at times prior there to employee(s) were exposed to a struck by hazard from the tongue rest being approximately 1 and 3/4 inch from the grinding wheel on both abrasive wheels of the bench grinder.

Date By Which Violation Must be Abated:	Corrected During Inspection
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See pages 1 through 8 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

- a) Pallet repair area, fourplex outlet: On or about 9/14/11 and at times prior there to employee(s) were exposed to an electrical hazard from a broken receptacle on a 110 voltage outlet box.

- b) Pallet repair area, fourplex outlet: On or about 9/14/11 and at times prior there to employee(s) were exposed to an electrical hazard from a broken grounding plug that was left in a receptacle on a 110 voltage outlet box.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5500.00



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1910.303(g)(2)(i)[D]: 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 elevation of 2.44 m (8.0 ft) or more above the floor or other working surface.

- a) Maintenance/Tool room, Advan Guard Ballaster: On or about 9/14/11 and at times prior there to employee(s) were exposed to an electrocution hazard of 120 Volts, from a ballaster that is hanging approximately 81 inches from the ground, when retrieving items from the tool room.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 5500.00

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

29 CFR 1910.303(b)(8)(i): Electrical equipment was not firmly secured to the surface on which it is mounted:

- a) Maintenance/Tool room, Advan Guard Ballaster: On or about 9/14/11 and at times prior there to employee(s) were exposed to a struck by hazard, from a 120 Volt ballaster that is hanging approximately 7 inches from the ceiling by its wires, when retrieving items from the tool room.

Date By Which Violation Must be Abated:	Corrected During Inspection
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Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1910.1200(g)(8): The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace:

- a) Maintenance/Tool Room, Polane Reducer-84: On or about 9/14/11 and at times prior thereto employee(s) were exposed to Polane Reducer-84 containing: toluene, Isopropyl Acetate, and n-Butyl acetate chemicals that can cause adverse effects to the liver and cardio-vascular system, while using Polane Reducer-84 to clean their hands after handling paint.

Date By Which Violation Must be Abated: 03/16/2012
Proposed Penalty: \$ 4400.00

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training as specified in 29 CFR 1910.1200(h)(1) and -2 on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

- a) Maintenance/Tool Room, Polane Reducer-84: On or about 9/14/11 and at times prior thereto employee(s) were exposed to Polane Reducer-84 containing: toluene, Isopropyl Acetate, and n-Butyl acetate chemicals that can cause adverse effects to the liver and cardio-vascular system, while using Polane Reducer-84 to clean their hands after handling paint.

Date By Which Violation Must be Abated: 03/16/2012



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

- a) Maintenance/Tool Room, Dayton 8" Bench Grinder RPM 3450, Model: 4Z909B, Lot No 9808:
On or about 09/15/11 and at times prior there to employee(s) were exposed to a struck by hazard.

THE IFCO SYSTEMS NORTH AMERICA INC., WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.219(b), WHICH WAS CONTAINED IN OSHA INSPECTION 314636382, CITATION NUMBER 1, ITEM NUMBER 2, AND WAS AFFIRMED AS A FINAL ORDER ON NOVEMBER 2, 2010, WITH RESPECT TO A WORKPLACE LOCATED AT 1080 SOUTH RIVER INDUSTRIAL BLVD, ATLANTA, GA 30315.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 22000.00



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

- a) Grinder area, RotoChopper Model: MC 256, S/N: 06-2216: On or about 9/15/11 and at times prior thereto employee(s) were exposed to two separate rotating shafts measuring approximately 3 inches in length, and 2 1/2 inches in width while operating the grinder.

THE IFCO SYSTEMS NORTH AMERICA INC., WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.219(c)(4)(i), WHICH WAS CONTAINED IN OSHA INSPECTION 312855745, CITATION NUMBER 1, ITEM NUMBER 4 AND WAS AFFIRMED AS A FINAL ORDER ON JULY 16, 2010 WITH RESPECT TO A WORKPLACE LOCATED AT 5250 TACCO STREET, SAN ANTONIO, TX 78244.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 22000.00



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

Citation 2 Item 3 Type of Violation: Repeat

29 CFR 1910.305(a)(1)(i): Metal raceways, cable armor, and other metal enclosures for conductors were not connected to all boxes, fittings, and cabinets to provide effective electrical continuity:

- a) Pallet Repair Area: On or about 9/14/11 and at times prior there to employee(s) were exposed to an electrical hazard of 110 volts from an electrical box used to power fans that had cable damaged and pulled back while employee(s) repair pallets within the vicinity and stack them near the broken conduit.

IFCO SYSTEMS NORTH AMERICA INC., WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.305(a)(1)(i), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314299868, CITATION NUMBER 01, ITEM 002, AND WAS AFFIRMED A FINAL ORDER ON 7/16/2010 WITH RESPECT TO A WORKPLACE LOCATED AT 5250 TACCO STREET, SAN ANTONIO, TX 78244

IFCO SYSTEMS NORTH AMERICA INC., WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.305(a)(1)(i), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312855745, CITATION NUMBER 01, ITEM 009, AND WAS AFFIRMED A FINAL ORDER ON 4/14/2010 WITH RESPECT TO A WORKPLACE LOCATED AT 5250 TACCO STREET, SAN ANTONIO, TX 78244

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: \$ 55000.00



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

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

29 CFR 1904.29(b)(1): A log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

- a) On or about September 15, 2011, and at times prior thereto, at the inspection site, for year 2008, OSHA Form 300, case no. 1-9, an incomplete description recorded in column (F) of the form materially impaired understandability of the nature of the injury. The object/substance or event that caused the injury was not recorded.

Date By Which Violation Must be Abated: 04/06/2012
Proposed Penalty: \$ 1000.00

Citation 3 Item 2 Type of Violation: **Other**

29 CFR 1904.29(b)(1): A log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

- a) On or about September 15, 2011, and at times prior thereto, at the inspection site, for year 2009, OSHA Form 300, case no. 2-12, and 15, an incomplete description recorded in column (F) of the form materially impaired understandability of the nature of the injury. The object/substance or event that caused the injury was not recorded.

Date By Which Violation Must be Abated: 04/06/2012
Proposed Penalty: \$ 1000.00

See pages 1 through 8 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

Citation 3 Item 3 Type of Violation: **Other**

29 CFR 1904.29(b)(1): A log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

- a) On or about September 15, 2011, and at times prior thereto, at the inspection site, for year 2010, OSHA Form 300, case no. 8, an incomplete description recorded in column (F) of the form materially impaired understandability of the nature of the injury. The object/substance or event that caused the injury was not recorded.

Date By Which Violation Must be Abated: 04/06/2012
Proposed Penalty: \$ 1000.00



Citation and Notification of Penalty

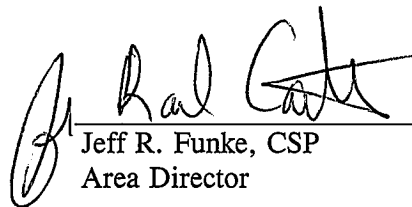
Company Name: IFCO Systems North America Inc.
Inspection Site: 5250 Tacco Dr., San Antonio, TX 78244

Citation 3 Item 4 Type of Violation: Other

29 CFR 1904.29(b)(1): A log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

- a) On or about September 15, 2011, and at times prior thereto, at the inspection site, for year 2011, OSHA Form 300, case no. 1,2 and 4, an incomplete description recorded in column (F) of the form materially impaired understandability of the nature of the injury. The object/substance or event that caused the injury was not recorded.

Date By Which Violation Must be Abated: 04/06/2012
Proposed Penalty: \$ 1000.00



Jeff R. Funke, CSP
Area Director