

**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



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## Citation and Notification of Penalty

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**To:**  
Jennie-O-Turkey Store, Inc.  
34 North Seventh Street  
Barron, WI 54812

**Inspection Number:** 92562  
**Inspection Date(s):** 07/21/2011 - 01/19/2012  
**Issuance Date:** 01/19/2012

**Inspection Site:**  
34 North Seventh Street  
Barron, WI 54812

*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 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. **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, 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, 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, but not sooner than 30 calendar days after the citation issuance date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/19/2012. The conference will be held 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: 92562**

Company Name: Jennie-O-Turkey Store, Inc.  
Inspection Site: 34 North Seventh Street, Barron, WI 54812  
Issuance Date: 01/19/2012

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



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.23(a)(3)(ii): Every hatchway and chute opening was not guarded by a removable railing with toeboards on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. Where operating conditions necessitated the feeding of material into a hatchway or chute opening, protection was not provided to prevent a person from falling through the opening:

- (a) Production Facility, Dressing Line, Blood Alley; Employees were exposed to fall hazards of 15 feet 3 inches to the lower concrete surface through the shackle line chute opening while performing sanitation operations.

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$5500.00

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

29 CFR 1910.146(d)(4)(viii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide, at no cost to the employees, rescue and emergency equipment needed to comply with 29 CFR 1910.146(d)(9):

- (a) Production Facility; The employer did not provide the required rescue equipment or emergency services equipment needed to treat an injured employee in the vicinity of the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/26/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized personnel from attempting to rescue:

- (a) Production Facility, Dressing Line; The employer did not develop and implement procedures for summoning rescue and emergency services and for providing necessary emergency services to an employee who sustained an arm amputation in the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012

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

29 CFR 1910.146(k)(3): Whenever an authorized entrant entered a permit space to perform rescue services, retrieval systems or methods were not used to facilitate non-entry rescue:

- (a) Production Facility, Dressing Line; The employer did not facilitate and implement a retrieval system or method for rescue of authorized entrants into the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.146(d)(12): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement procedures necessary for concluding the entry after operations had been completed:

- (a) Production Facility, Dressing Line; The employer did not develop and implement the procedures necessary for concluding the permit-required confined space entry into the CO2 Tunnel and returning it to safe operating conditions

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012  
Proposed Penalty: \$7000.00

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

29 CFR 1910.146(d)(13): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not review entry operations when the employer had reason to believe that the measures taken under the permit space program would not protect employees and revise the program to correct deficiencies before subsequent entries were authorized:

- (a) Production Facility Dressing Line; The employer did not review and revise the entry procedures for the CO2 Tunnel after the written entry procedures had been verbally changed approximately 18 months before an amputation accident.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012  
Proposed Penalty: \$7000.00





**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

- (a) Production Facility, Dressing Line; The employer did not complete a confined space entry permit prior to allowing employees to enter into the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012  
Proposed Penalty: \$7000.00

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, permit required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned by this section:

- (a) Production Facility; The employer did not provide effective permit-required confined space training to authorized entrants and entry supervisors for the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.146(g)(2)(iii): The employer did not provide training to each affected employee whenever there was a change in permit space operations that presented a hazard about which an employee had not previously been trained under 29 CFR 1910.146, Permit-Required Confined Space:

- (a) Production Facility, Dressing Line; The employer did not provide permit-required confined space training to affected employees who were required to enter the CO2 Tunnel when there was a change in the method of sanitation procedures for which the employees had not been previously trained.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/29/2012

**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.146(j): The employer did not ensure that each entry supervisor performed the duties required by (j)(1)-(6) of this section (29 CFR 1910.146):

- (a) Production Facility, Dressing Line; The employer did not ensure that the entry supervisor for the CO2 Tunnel performed his or her required duties, such as, but not limited to:
- 1) Verified by checking that the appropriate entries had been made on an entry permit; that the test specified by an entry permit had been conducted; and that the procedures and requirement specified by a permit were in place before allowing entry to begin, and
  - 2) Terminated the entry and canceled a permit as required, and



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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3) Verified that rescue services were available and the means of summoning them was operational.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012  
Proposed Penalty: \$7000.00

**Citation 2 Item 1a Type of Violation: **Willful - Serious****

29 CFR 1910.146(d)(3)(iii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including isolating the permit space:

(a) Production Facility, Dressing Department; The employer did not implement the procedures and practices for safe entry into the CO2 Tunnel, such as, but not limited to the use of a single isolation device on the CO2 gas pipe line while performing sanitation operations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/20/2012  
Proposed Penalty: \$70000.00



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.147(d)(3): All energy isolating devices that were needed to control the energy to the machine or equipment were not physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s):

- (a) Production Facility, Dressing Department; The employer did not ensure that a powered shackle conveying line was de-energized and locked out when employees cleaned the inside of the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/20/2012

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

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

- (a) Production Facility, Dressing Department; The employer did not ensure a powered shackle conveying line was de-energized and that locked out devices were affixed when employees cleaned the inside of the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/20/2012



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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

29 CFR 1910.146(d)(3)(vi): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices to verify that conditions in a permit space were acceptable for entry throughout the duration of an authorized entry:

- (a) Production Facility Dressing Department; The employer did not implement the procedures and practices to verify the mechanical and atmospheric hazards in the CO2 Tunnel were eliminated prior to entry and throughout the duration of the entry.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/20/2012  
Proposed Penalty: \$70000.00

**Citation 2 Item 3a** Type of Violation: **Willful - Serious**

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions when entry operations were conducted by testing conditions in the permit space to determine if acceptable entry conditions exist:

- (a) Production Facility, Dressing Line; The employer did not require testing or monitoring of the CO2 Tunnel for potentially hazardous atmosphere prior to an employee directly entering into the permit-required confined space. In addition, the entire space was not monitored prior to entry.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/20/2012  
Proposed Penalty: \$60500.00



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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**Citation 2 Item 3b** Type of Violation: **Willful - Serious**

29 CFR 1910.146(d)(5)(ii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions to determine if acceptable conditions were being met during the course of the entry operations:

- (a) Production Facility, Dressing Line; The employer did not require testing or monitoring of the CO2 Tunnel for a potentially hazardous atmosphere during the second daily permit-required confined space entry to perform washing operations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 01/20/2012

**Citation 2 Item 3c** Type of Violation: **Willful - Serious**

29 CFR 1910.146(d)(5)(iii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), when testing for atmospheric hazards, the employer did not evaluate permit space conditions when entry operations were conducted by testing first for oxygen, then for combustible gases and vapors, and then for toxic gases and vapors:

- (a) Production Facility, Dressing Department; The employer did not test for oxygen in the CO2 Tunnel. In addition, the monitor used was not capable of testing for combustible gasses and vapors or other toxic gasses and vapors that may have been present.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated: 02/02/2012

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

**Inspection Number:** 92562  
**Inspection Date(s):** 07/21/2011 - 01/19/2012  
**Issuance Date:** 01/19/2012



**Citation and Notification of Penalty**

**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812

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**Citation 2 Item 4** Type of Violation: **Willful - Serious**

29 CFR 1910.146(d)(6): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide at least one attendant outside the permit space into which entry was authorized for the duration of entry operations:

- (a) Production Facility, Dressing Department; The employer did not provide an attendant during permit-required confined space entry into the CO2 Tunnel.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	01/20/2012
Proposed Penalty:	\$70000.00

*Carl H. Schmuck*

*For* **Mark Hysell**  
Area Director

**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



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Jennie-O-Turkey Store, Inc.  
**Inspection Site:** 34 North Seventh Street, Barron, WI 54812  
**Issuance Date:** 01/19/2012

<b>Summary of Penalties for Inspection Number</b>	<b>92562</b>
<b>Citation 1, Serious</b>	<b>\$47500.00</b>
<b>Citation 2, Willful - Serious</b>	<b>\$270500.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$318000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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



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

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

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

Carl H. Schmuck

1-19-2012

for Mark Hysell  
Area Director

Date