

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



Citation and Notification of Penalty

To:
MAPLEWOOD BEVERAGE PACKERS LLC
45 CAMPTOWN RD
Maplewood, NJ 07040

Inspection Number: 956563
Inspection Date(s): 01/29/2014 - 06/02/2014
Issuance Date: 06/11/2014

Inspection Site:
45 CAMPTOWN RD
Maplewood, NJ 07040

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

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

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

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

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

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

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

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

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

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

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

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/11/2014. The conference will be held by telephone or at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 956563

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040
Issuance Date: 06/11/2014

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054**

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: 956563
Inspection Date(s): 01/29/2014 - 06/02/2014
Issuance Date: 06/11/2014



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

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

29 CFR 1910.23(c)(1): Open-sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

a) Temporary Storage Area

The storage area outside the upper production office was not guarded by standard railings to prevent a fall of 12 feet to ground level.

Violation observed on or about 02/25/14.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4950.00

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



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

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

29 CFR 1910.95(g)(5)(ii): Where mobile test vans were used to meet the audiometric testing obligation, the employer did not obtain a valid baseline audiogram within 1 year of an employee's first exposure at or above the action level:

a) Facility

The employer did not obtain a valid baseline audiogram for all temporary employees' first exposure at or above the action level of 85 dBA as an 8 hour time-weighted average.

An employee (Hire Date: 1/21/2012) working on the line at the cooler 1 gallon bottle area was exposed to continuous noise levels at 221% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 2.2 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 95.7 dBA. Sampling was performed for 449 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

Violation occurred on or about 04/01/14.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/24/2014
Proposed Penalty:	\$6930.00

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



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

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

29 CFR 1910.95(k)(1): A training program was not instituted for all employees who were exposed to noise at or above an 8-hour time-weighted average (TWA) of 85 dBA:

a) Facility

A training program was not instituted for Corporate Resource Services Corp. (temporary agency) workers exposed to noise at or above 85 decibels as an 8 hour time weighted average while working in production. Some employees received no training while other employees were not given information such as the sources of noise and the associated noise levels, the effects of noise on hearing and the types, attenuation, advantages and disadvantages of hearing protection available to them while working at Maplewood Beverage Packers.

1) An employee working on the line at the cooler 1 gallon bottle area was exposed to continuous noise levels at 221% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 2.2 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 95.7 dBA. Sampling was performed for 449 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

2) An employee working on the line raking gallon jugs from cooling area was exposed to continuous noise levels at 122.1% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.2 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 90.6 dBA. Sampling was performed for 394 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

3) An employee working on the bottling conveyor line by the cooling tower was exposed to continuous noise levels at 89.7% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.89 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 89.2 dBA. Sampling was performed for 459 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

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



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

4) An employee working on the line as cooling tunnel discharge was exposed to continuous noise levels at 144.2% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.4 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 92.6 dBA. Sampling was performed for 456 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

5) An employee working on the can line was exposed to continuous noise levels at 84.4% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.84 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 88.8 dBA. Sampling was performed for 446 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

6) An employee working on the line as a floater in the bottling area was exposed to continuous noise levels at 93.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.93 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 89.5 dBA. Sampling was performed for 469 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

7) An employee working on the line for cooling tunnel discharge was exposed to continuous noise levels at 156.2% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.6 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 93.2 dBA. Sampling was performed for 455 minutes on 2/25/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

Violation occurred on or about 04/01/14.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/02/2014
\$4950.00

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



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

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

29 CFR 1910.95(g)(6): At least annually after obtaining the baseline audiogram, the employer did not obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels:

a) Facility

The employer did not obtain annual audiograms for all employees at or above the action level of 85 dBA as an 8 hour time-weighted average.

An employee (Missed 2013 Audiometric Exam) working on the line as a machine operator in packing station was exposed to continuous noise levels at 67.7% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.68 times the allowable exposure limit. The action level (AL) is 85 dBA. The equivalent sound level of the measured dose is 87.2 dBA. Sampling was performed for 422 minutes on 4/1/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

An employee (Missed 2013 Audiometric Exam) working on the line as a packer was exposed to continuous noise levels at 72.4% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.72 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 87.6 dBA. Sampling was performed for 425 minutes on 2/25/2014, with the unsampled portion of time considered to represent zero for the exposure calculation.

Violation occurred on or about 02/25/14.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/24/2014
\$54450.00

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



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.1020(g)(1)(i): Upon first entering into employment, and/or at least annually thereafter, the employer did not inform current employees of the existence, location, and availability of any records covered by 29 CFR 1910.1020:

a) Facility

Employees were not informed of the existence, location and availability of any records covered by this section such as, but not limited to, Occupational Noise Survey, September 2012.

Violation occurred on or about 01/29/14.

Date By Which Violation Must be Abated:	06/25/2014
Proposed Penalty:	\$990.00

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

Inspection Number: 956563
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Issuance Date: 06/11/2014



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

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

29 CFR 1910.1020(g)(1)(ii): The employer did not inform current employees upon their first entering into employment and at least annually thereafter, of the person responsible for maintaining and providing access to records covered by 29 CFR 1910.1020:

a) Facility

Employees were not informed of the person responsible for maintaining and providing access to records such as, but not limited to, Occupational Noise Survey, September 2012.

Violation occurred on or about 01/29/14.

Date By Which Violation Must be Abated:

06/25/2014

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



Citation and Notification of Penalty

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040

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

29 CFR 1910.1020(g)(1)(iii): Employees were not informed upon first entering into employment and/or at least annually thereafter of their right to access their medical and/or exposure records:

a) Facility

Employees were not informed of their rights of access to records such as, but not limited to, Occupational Noise Survey, September 2012.

Violation occurred on or about 01/29/14.

Date By Which Violation Must be Abated:

06/25/2014

A handwritten signature in black ink, appearing to read "Kris Hoffman", written over a horizontal line.

Kris Hoffman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name: MAPLEWOOD BEVERAGE PACKERS LLC
Inspection Site: 45 CAMPTOWN RD, Maplewood, NJ 07040
Issuance Date: 06/11/2014

Summary of Penalties for Inspection Number	956563
Citation 1, Serious	\$16830.00
Citation 2, Willful	\$54450.00
Citation 3, Other-than-Serious	\$990.00
TOTAL PROPOSED PENALTIES	\$72270.00

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. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

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

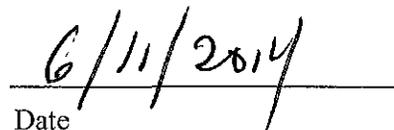
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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

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



Kris Hoffman

Area Director



Date