

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
911 NE 11th Avenue  
Suite 649  
Portland, OR 97232  
Phone: 503-231-2017 Fax: 503-231-2329



## Citation and Notification of Penalty

**To:**  
PACIFIC COAST SEAFOOD  
and its successors  
P.O. BOX 70  
Warrenton, OR 97146

**Inspection Number:** 1284075  
**Inspection Date(s):** 12/14/2017 - 12/15/2017  
**Issuance Date:** 03/09/2018

**Inspection Site:**  
450 N.E. SKIPANON DR.  
Warrenton, OR 97146

*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](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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/09/2018. The conference will be held by telephone or at the OSHA office located at 911 NE 11th Avenue, Suite 649, Portland, OR 97232 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1284075**

Company Name: PACIFIC COAST SEAFOOD  
Inspection Site: 450 N.E. SKIPANON DR., Warrenton, OR 97146  
Issuance Date: 03/09/2018

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, 911 NE 11th Avenue, Suite 649, Portland, OR 97232**

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:** PACIFIC COAST SEAFOOD  
**Inspection Site:** 450 N.E. SKIPANON DR., Warrenton, OR 97146

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

29 CFR 1910.303(g)(2)(i): **Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact** by approved cabinets or other forms of approved enclosures, or other means listed under this provision:

Ground Floor of the Ice House-

- (a) **The cover plate for the ice rake switch was missing, exposing employees to live parts of 110 volts.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$4573.00



**Citation and Notification of Penalty**

**Company Name:** PACIFIC COAST SEAFOOD  
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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 2 a Type of Violation: **Serious**

29 CFR 1917.120(b)(3): **Fixed stairs having four or more risers did not have complete stair railings or handrails.**

**(a) The ice house stairway measuring 28" wide with 11 risers was not equipped with railings that went the entire length of the stairway, exposing employees to serious injuries from falls of 7ft 6-3/4".**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$4573.00

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

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**Citation and Notification of Penalty**

**Company Name:** PACIFIC COAST SEAFOOD  
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**Citation 1 Item 2 b** Type of Violation: **Serious**

29 CFR 1917.12: The employer did not eliminate, to the extent possible, conditions causing slippery working and walking surfaces in work areas used by employees.

(a) The stairway used to access equipment within the Ice House had ice build-up on 9 of the steps, exposing employees to serious injuries from falls.

Date By Which Violation Must be Abated:

04/04/2018

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:** PACIFIC COAST SEAFOOD  
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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1917.112(b)(1): Guardrails were not provided at locations where employees were exposed to floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings or vessel mooring or berthing installations, which presented a hazard of falling more than 4 feet or into the water.:

Upper Level of the Ice House-

(a) The floor opening for the stairway was located 7ft 6-3/4 inches above the lower level was not provided with guardrails on the open 4-1/2 feet side, exposing employees to serious fall injuries.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$7622.00

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

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**Citation and Notification of Penalty**

**Company Name:** PACIFIC COAST SEAFOOD  
**Inspection Site:** 450 N.E. SKIPANON DR., Warrenton, OR 97146

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

29 CFR 1917.151(b)(7): The power supply to machines was not turned off, locked out and tagged out during repair, adjustment, or servicing.

(a) The cooler unit, A447-841E-OH-S, located in the Ice House, had four separate unguarded fan units with rotating fan blades and live electrical parts exposed. The equipment was running and was not currently locked out and tagged out, exposing employee(s) to serious injuries.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6098.00

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:** PACIFIC COAST SEAFOOD  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1917.151(h)(1): Rotating parts such as gears and pulleys located 7 feet (2.13 m) or less above working surfaces were not guarded to prevent employee contact with moving parts.

Ice House -

(a) Four separate unguarded fan units with rotating fan blades for the cooling unit, located approx. 48 inches above the floor, exposed employee(s) to serious struck-by hazards.

(b) The open floor bin containing two unguarded augers, which are used to move ice, exposed employee(s) to serious caught-in hazards. The augers feed two chutes that are used to supply ice for totes and fishing vessels.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$9146.00

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

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**Company Name:** PACIFIC COAST SEAFOOD  
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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1917.151(h)(2): Belt, rope, and chain drives were not guarded to prevent employees from coming into contact with moving parts.

or in the alternative

29 CFR 1917.151(b)(10): Machines with defects that affected the safety of operation were used.

Ice House -

(a) The chain drive and sprocket for the ice augers was unguarded, exposing employee(s) to serious caught-in hazards.

Date By Which Violation Must be Abated: 04/04/2018  
Proposed Penalty: \$6098.00

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:** PACIFIC COAST SEAFOOD  
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**Citation 1 Item 7** Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees that were exposed to struck-by hazard(s).

(a) Employee's operating forklifts without the use of seat belt protection while moving fish and ice totes are exposed to serious struck-by injuries, such as, but not limited to broken bones or severe lacerations.

The Letter of Interpretation dated October 9, 1996 addresses this condition and references ASME B56.1 consensus standards for power industrial trucks. The manufacturers of this equipment has supplied seat belts. One method of abatement is for the employer to ensure employee(s) always wear seat belts while operating the Power Industrial Trucks (forklifts) and that the employer follows ASME/ANSI 56.1a-1989 Addenda to ASME/ANSI B56.1-1988; and ASME B56.1-1993.

Disclaimer: a) The employer is not limited to the abatement method(s) suggested by OSHA. b) The employer is responsible for selecting and implementing an effective abatement method.

Date By Which Violation Must be Abated: 04/04/2018  
Proposed Penalty: \$6098.00



**Citation and Notification of Penalty**

**Company Name:** PACIFIC COAST SEAFOOD  
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**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.303(b)(7)(iv): There was damaged parts that adversely affected safe operation or mechanical strength of the equipment, such as parts that were broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating:

Ice House-

- (a) The two electrical switches and their enclosure were extremely corroded and susceptible to failure.
- (b) Electrical conductors hanging out of an open enclosure were exposed to damage.
- (c) There was a hole in electrical motor's power cord enclosure exposing it to further damage.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$0.00

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

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

29 CFR 1910.304(g)(1)(i): All 3-wire DC systems did not have their neutral conductor grounded.

(a) The 110 volt receptacle indicated there was no ground when tested with the Sure-Test Circuit Analyzer.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$0.00

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Occupational Safety and Health Administration

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

29 CFR 1917.43(c)(5): Powered industrial trucks were not maintained in safe working order.

Warrenton Dock-

(a) Two foot control pedals of the #24 Hyster 50 Fortis forklift were missing their grip pads, creating a hazardous situation in the event the operator slips off the control contact surface.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$856.00

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**Citation 2 Item 4** Type of Violation: **Other-than-Serious**

29 CFR 1917.45(b)(1): Cranes and derricks having ratings that vary with boom length, radius (outreach), or other variables did not have a durable rating chart visible to the operator, covering the complete range of the manufacturers capacity (or design) ratings. This does not apply to bridge cranes, which are covered by paragraph (G) of this section.

(a) The South Hoist, 39A of the Warrenton dock was not marked with the rated capacity and is used to unload product.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/04/2018  
\$0.00

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**Cecil M. Tipton**  
Area Director

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  
911 NE 11th Avenue  
Suite 649  
Portland, OR 97232  
Phone: 503-231-2017 Fax: 503-231-2329



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** PACIFIC COAST SEAFOOD  
**Inspection Site:** 450 N.E. SKIPANON DR., Warrenton, OR 97146  
**Issuance Date:** 03/09/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1284075</b>
<b>Citation 1, Serious</b>	<b>\$44208.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$856.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$45064.00</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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**Cecil M. Tipton**  
Area Director

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Date