

U.S. Department of Labor Occupational Safety and Health Administration
500 Route 17 South,
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



05/03/2016

OAXACA MEXICAN PRODUCTS
100 8TH STREET.
Passaic, NJ 07055

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,



Es Lisa Levy
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



Citation and Notification of Penalty

To:
OAXACA MEXICAN PRODUCTS
and its successors
100 8TH STREET.
Passaic, NJ 07055

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016

Inspection Site:
100 8TH STREET.
Passaic, NJ 07055

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the dates 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 \$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. 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 05/03/2016. The conference will be held by telephone or at the OSHA office located at 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055
Issuance Date: 05/03/2016

Inspection Number: 1106331

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, 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604**

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: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent):

a) Back of Warehouse - Dumpster Feed: Employees were exposed to fall hazards of 49" as they stand on a platform with no guardrails to load the dumpster, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.24(b): Fixed stairs were not provided for access from one structure level to another where operations necessitated regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations:

a) Back of Warehouse - Dumpster Loading Area: Employees were exposed to fall hazards of 49" as they routinely climbed an improperly set step ladder in order to reach the platform. There was no fixed stairs installed, on or about 11/5/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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 3 a Type of Violation: **Serious**

29 CFR 1910.25(d)(1)(i): Portable wood ladder(s) were not maintained in good condition at all times with all hardware and fittings securely attached:

a) Warehouse: Employees were using a step ladder with missing rear legs to retrieve merchandise from the racking system being exposed to fall hazards of approximately 4 feet, on or about 11/19/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4200.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.25(d)(1)(x): Portable wood ladder(s) were not inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

a) Warehouse: Employees were using a defective step ladder that should have been identified, marked as dangerous and removed from service, on or about 11/19/2015.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.36(e)(1): A side-hinged door was not used to connect a room to an exit route:

a) Center of the Warehouse - Street Side: Employees were directed, in case of emergency, to an exit route that terminated with a locked overhead door, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4900.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

a) Back of Warehouse: The Exit Door was obstructed by a parked car, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4900.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

a) 2nd Freezer: Employees did not have a clear indication of the direction of travel to exit the building in an emergency, on or about 11/5/2015.

b) Packing room: Employees did not have a clear indication of the direction of travel to exit the building in an emergency, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4900.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g. closet):

a) 2nd Freezer: Employees were exposed to disorientation in case of an emergency as a door in the 2nd Freezer was not marked "Not an Exit" , on or about 11/5/2015.

b) Loading Dock: Employees were exposed to disorientation in case of an emergency as a door in the loading dock was not marked "Not an Exit" , on or about 11/5/2015.

c) Packaging Room: Employees were exposed to disorientation in case of an emergency as a door in the packing room was not marked "Not an Exit" , on or about 11/19/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/21/2016

Proposed Penalty:

\$4900.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.110(e)(4)(iii): Permanent and removable fuel containers were not securely mounted to prevent jarring loose, slipping, or rotating:

- a) 2nd Freezer: Propane tank being used to fuel PIT was not secured in place by the index pin, on or about 11/5/2015.
- b) 2nd Freezer: Propane tank being used to fuel PIT was not secured in place by the index pin, on or about 11/19/2015.
- c) 2nd Freezer: Propane tank being used to fuel PIT was not secured in place by the index pin, on or about 12/18/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/21/2016
\$2800.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.178(g)(1): Battery charging installations were not located in areas designated for that purpose:

a) 2nd Freezer: Battery charging installation was located in the middle of the room. It was not located in a designated area which would provide safety controls including but not limited to a means to protect the charging apparatus from struck by damage from forklift trucks, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.178(q)(6): Powered industrial trucks were altered so that the relative positions of the various parts were different from what they were when originally received from the manufacturer, by the addition of extra parts not provided by the manufacturer, or by the elimination of any parts without the manufacturer's approval:

a) 2nd Freezer: An additional battery, not provided by the manufacturer, was installed over the casing and secured in place with nylon straps, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4200.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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 11 a Type of Violation: **Serious**

29 CFR 1910.178(l)(6): The employer did not certify that each operator has been trained and evaluated as required by this paragraph (l):

a) Warehouse: The operator of a Propane fueled PIT had not been certified by the employer as trained, on or about 1/20/2016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/21/2016
\$3500.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

Citation 1 Item 11 b **Type of Violation: Serious**

29 CFR 1910.178(l)(4)(iii): An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

a) Warehouse: The operator of a Propane fueled PIT had not been evaluated by the employer for over 3 years, on or about 11/5/15.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/21/2016

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

a) 2nd Freezer: The propane tank being used to fuel PIT was secured in place by a nylon string instead of the original metal strap, on or about 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2800.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefore, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his/her body in the danger zone during the operating cycle.

a) Compactor area: Employee was exposed to amputation hazards while engaged in compacting operations utilizing a compactor that was not provided with any guard, on or about 11/12/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3500.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used only in continuous lengths without splice or tap:

a) 2nd Freezer: The flexible electrical cord that energized the battery charger was spliced and not used in continuous lengths, on or about, 11/5/2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4200.00

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

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

Inspection Number: 1106331
Inspection Date(s): 11/05/2015 - 01/20/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

- a) Back of Warehouse: The Exit Door had a slide bolt and a turn bolt which were both locked, on or about 11/05/2015.
- b) Back of Warehouse: The Exit Route led to an area that was enclosed with a 6 feet high chain link fence that was locked with a padlock, on or about 11/5/15, 11/19/15 and 12/18/2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/11/2016
\$49000.00

A handwritten signature in black ink, appearing to read "Lisa Levy".

✶ Lisa Levy
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
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



INVOICE / DEBT COLLECTION NOTICE

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055
Issuance Date: 05/03/2016

Summary of Penalties for Inspection Number	1106331
Citation 1, Serious	\$53200.00
Citation 2, Willful	\$49000.00
TOTAL PROPOSED PENALTIES	\$102200.00

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 \$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.



Lisa Levy
Area Director

85/3/16

Date

U.S. Department of Labor Occupational Safety and Health Administration
500 Route 17 South,
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



05/03/2016

OAXACA MEXICAN PRODUCTS
100 8TH STREET.
Passaic, NJ 07055

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

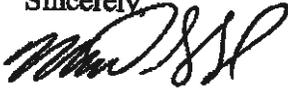
As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely



for Lisa Levy
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



Citation and Notification of Penalty

To:
OAXACA MEXICAN PRODUCTS
and its successors
100 8TH STREET.
Passaic, NJ 07055

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016

Inspection Site:
100 8TH STREET.
Passaic, NJ 07055

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 \$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. 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 05/03/2016. The conference will be held by telephone or at the OSHA office located at 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055
Issuance Date: 05/03/2016

Inspection Number: 1106942

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, 500 Route 17 South, 2nd Floor, Hasbrouck Heights, NJ 07604

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: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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 1 a Type of Violation: **Serious**

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

(a) Warehouse: No written Hazard Assessment was completed. Employees used hazardous chemicals including, but not limited to caustic sodium hydroxide, on or about November 19, 2015.

Date By Which Violation Must be Abated:

05/20/2016

Proposed Penalty:

\$3500.00

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.133(a)(1): Protective eye equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

(a) Warehouse: Employees used caustic "Oven off" to clean the floor in the warehouse. The product consisted of hazardous chemicals including, but not limited to caustic sodium hydroxide; but appropriate protective eyewear was not required nor provided thus exposing employees to a chemical hazard to their eyes, on or about November 19, 2015.

Date By Which Violation Must be Abated:

05/20/2016

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.151(c): Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body was not provided within the work area for immediate emergency use.

a) Warehouse: Employees who use corrosive materials were not provided with suitable facilities for quick drenching or flushing of the eyes. Employees use aqueous solutions of corrosive sodium hydroxide and aqueous solutions of corrosive sodium hypochlorite (AKA regular household bleach) and mix it with water to clean the facilities. The employer did not provide emergency eye wash stations, on or about November 19, 2015.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/21/2016
\$3500.00

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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 3 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

(a) Establishment: A hazard communication program was not developed and implemented for employees who are exposed to hazardous chemicals, such as but not limited to Oven Off, bleach and propane, on or about November 19, 2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/05/2016
\$3500.00

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.1200(g)(1): Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use.

(a) Establishment: Employees including but not limited to warehouse employees have exposure to hazardous chemicals in the course of their work, but Safety Data Sheet for products such as but not limited to "Oven Off" was not immediately available for employee access, on or about November 19, 2015.

Date By Which Violation Must be Abated:

06/05/2016

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.1200(h)(1): Employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and material safety data sheets.

(a) Establishment: Employees including but not limited to cleaning employees have exposure to hazardous chemicals such as but not limited to "Oven Off," which contains Sodium Hydroxide, bleach and propane, but Hazard Communication training was not provided, on or about November 19, 2015.

Date By Which Violation Must be Abated:

06/05/2016

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.141(c)(1)(i): When toilet rooms were intended to be occupied by no more than one person at a time, the rooms were not provided with an adequate lock capable of being secured on the inside: Note: Where toilet rooms are intended to be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided.

a) Warehouse: The toilet room was not separate for each sex, nor was the room provided with an adequate lock capable of being locked from the inside, on or about November 19, 2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.141(d)(2)(ii): Lavatories were not provided with hot and cold, or tepid running water:

(a) Warehouse Lavatory: The lavatory sink was not provided with hot or tepid water thus exposing employees who work in the warehouse to pathogens which could result in illness, on or about November 19, 2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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

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

Inspection Number: 1106942
Inspection Date(s): 11/19/2015 - 01/21/2016
Issuance Date: 05/03/2016



Citation and Notification of Penalty

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055

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

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling:

(a) Warehouse Lavatory: The lavatory was not provided with individual hand towels nor warm air blower, thus exposing employees who work in the warehouse to pathogens which could result in illness, on or about November 19, 2015.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

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

← Lisa Levy
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
500 Route 17 South
2nd Floor
Hasbrouck Heights, NJ 07604
Phone: 201-288-1700 Fax: 201-288-7315



INVOICE / DEBT COLLECTION NOTICE

Company Name: OAXACA MEXICAN PRODUCTS
Inspection Site: 100 8TH STREET., Passaic, NJ 07055
Issuance Date: 05/03/2016

Summary of Penalties for Inspection Number	1106942
Citation 1, Serious	\$10500.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$10500.00

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 \$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

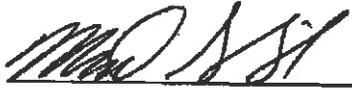
account, the bank will attempt to make the transfer up to 2 times.

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.



✶ Lisa Levy
Area Director

5/3/14
Date