

U.S. Department of Labor
Occupational Safety and Health Administration
2183 Northlake Parkway
Building 7, Suite 110
Tucker, GA 30084
Phone: 770-493-6644 Fax: 770-493-7725



Citation and Notification of Penalty

To:
OLE MEXICAN FOODS, INC.
and its successors
6585 CRESCENT DRIVE
Norcross, GA 30071

Inspection Number: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013

Inspection Site:
6585 CRESCENT DRIVE
Norcross, GA 30071

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 12/11/2013. The conference will be held by telephone or at the OSHA office located at 2183 Northlake Parkway, Building 7, Suite 110, Tucker, GA 30084 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 911782

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071
Issuance Date: 12/11/2013

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, 2183 Northlake Parkway, Building 7, Suite 110, Tucker, GA 30084**

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.22(c): Covers and/or guardrails were not provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

On or about 6/14/2013, in the heat exchanger room, employees were exposed to trip hazards as drainage troughs (9" deep and 15" wide) were left uncovered as employees cleaned the room.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3740.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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 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) and toeboards.

On or about 6/14/2013, in the corn cook room, employees were exposed to fall hazards of 9'4" as the new addition to the platform was not equipped with guardrails.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/08/2014
\$5500.00

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: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.23(a)(2): Ladderway floor opening(s) or platform(s) were not guarded by a standard railing with standard toeboard(s) on all exposed sides (except at the entrance to opening) with passage through the railing either provided with a swinging gate or so offset that a person could walk directly into the opening.

On or about 6/14/2013, employees were exposed to fall hazards of 11 feet as the Electrical platform in the flour line area had a ladder opening that was not equipped with guardrails.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2014

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

Inspection Number: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.23(a)(9): Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) was not protected by a cover that leaves no openings more than 1 inch wide.

On 6/14/13, employees working on the corn cook platform were exposed to tripping hazards as holes in the platform around equipment were not guarded properly.

No abatement certification or documentation is required for this item.

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

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

On 6/14/13, employees working in the shipping department were exposed to emergency egress hazards as marked emergency exits were blocked and unavailable for use. Product on pallets blocked the emergency exit door preventing the door from opening.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3740.00

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: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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 4 a Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section.

On 6/14/13, in the Norcross production facility, employees performing service and maintenance to equipment were not utilizing lockout procedures when performing that work. During the OSHA inspection two instances of this deficiency were observed:

1 - at the Formula Mixer on 6/17/2013 employees cleaned the mixer without utilizing lockout procedures.

2 - at Mixer #3 in the Corn Line production area on 6/20/2013 employees cleaned the mixer at the auger without utilizing lockout procedures.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/30/2014
Proposed Penalty:	\$7000.00

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: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

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

On 6/14/13, in the Norcross production facility, employees performing service and maintenance to equipment did not apply locks for that work. Instances include:

- 1 - at the Formula Mixer on 6/17/2013 employees cleaned the mixer without lockout devices applied.
- 2 - at Mixer #3 in the Corn Line production area on 6/20/2013 employees cleaned the mixer at the auger without lockout devices applied.
- 3 - at the Corn Lines - employees routinely clean entire corn production lines on weekends and do not use lockout.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/08/2014

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

Inspection Number: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items of this section.

On or about 6/14/13, at the Norcross facility, the employer did not ensure all energies were identified on energy control procedures for equipment at the facility on which employees performed service and maintenance.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2014
Proposed Penalty:	\$7000.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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 6 a Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i)(B): The periodic inspection of the energy control procedure was not conducted to correct any deviations or inadequacies identified.

On 6/14/13, at the Norcross facility, the periodic inspection of the energy control program did not correct for deviations identified on the procedures in that all energies on equipment were not identified or how the energies would be controlled.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM.

Date By Which Violation Must be Abated: 01/30/2014
Proposed Penalty: \$7000.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.147(c)(6)(i)(C): Where lockout was used for energy control, the periodic inspection did not include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

On 6/14/2013, at the Norcross facility, the employer did not ensure the periodic inspection included a review of each employee's responsibilities under the energy control procedure being inspected.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/30/2014

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.147(c)(6)(ii): The periodic inspection certification of energy control procedures did not identify the person performing the inspection.

On 6/14/2013, at the Norcross facility, the employer did not ensure the certified periodic inspection included the name of the person performing the inspection on the procedure that was reviewed.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/30/2014

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.147(c)(7)(i)(B): Affected employees were not instructed in the purpose and use of the energy control procedure.

On or about 6/14/13, at the Norcross facility, the employer did not ensure affected employees received instruction in the purpose and use of the energy control procedures.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

01/08/2014
\$3300.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

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

On or about 6/14/2013, in the production area, corn production lines had shaft ends that protruded 2 1/2" and were 3" in diameter and were not guarded.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4400.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed.

On 6/14/13, the employer did not ensure the Slide Conveyor Mounting machine chains and sprockets were guarded. The upper chain and sprocket is within 5' of floor levels and the lower chain is within 2 1/2' of floor levels.

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4675.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i..

On 6/17/13, in the corn cook room, employees were using compressed air for cleaning purposes with a compressed air wands that measured 105 psi..

No abatement certification or documentation is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4675.00

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: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:(a)(LOCATION)(IDENTIFY SPECIFIC OPERATIONS AND/OR CONDITIONS)(IDENTIFY MACHINERY OR EQUIPMENT AND MISSING ELEMENTS)

On or about 6/14/13, at the Norcross facility, the employer did not ensure authorized employees received training in the recognition of hazardous energy sources, the type and magnitude of energy available and the methods/means necessary for energy isolation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Ole Mexican Foods, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(4)(ii)(B), which was contained in OSHA inspection number 315736645, citation number 1, item number 3 and was affirmed as a final order on 10/12/2011, with respect to a workplace located at 6585 Crescent Drive, Norcross, Georgia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/08/2014
Proposed Penalty:	\$38500.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks.

On 6/14/2013, employees were not protected from point of operations and ingoing nip points on various equipment in the production area including:

In going nip points on corn lines 1-6, flour line conveyors, tostada line conveyors.
Point of operations on Dough Mixers 1, 3, and 5.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

Ole Mexican Foods, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.212(a)(1), which was contained in OSHA inspection number 315736645, citation number 1, item number 6 and was affirmed as a final order on 10/12/2011, with respect to a workplace located at 6585 Crescent Drive, Norcross, Georgia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/30/2014
Proposed Penalty:	\$38500.00

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: 911782
Inspection Date(s): 06/14/2013 - 07/03/2013
Issuance Date: 12/11/2013



Citation and Notification of Penalty

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071

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


29 CFR 1910.147(c)(5)(ii): Lockout devices and tagout devices were not used for lockout and tagout purposes only.

On 6/14/13, in the Flour Line area of production, locks designated for lockout use purposes were used as facility locks on a water heater disconnect that had been removed from service.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:
Proposed Penalty:

01/08/2014
\$0.00



William C. Fulcher
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
2183 Northlake Parkway
Building 7, Suite 110
Tucker, GA 30084
Phone: 770-493-6644 Fax: 770-493-7725



INVOICE / DEBT COLLECTION NOTICE

Company Name: OLE MEXICAN FOODS, INC.
Inspection Site: 6585 CRESCENT DRIVE, Norcross, GA 30071
Issuance Date: 12/11/2013

Summary of Penalties for Inspection Number	911782
Citation 1, Serious	\$51030.00
Citation 2, Repeat	\$77000.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$128030.00

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

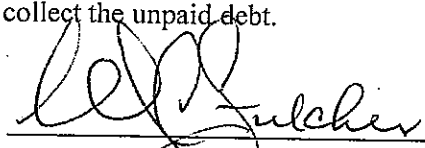
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.



William C. Fulcher
Area Director

12/11/2013

Date