

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3300 Vickery Road  
North Syracuse, NY 13212  
Phone: 315-451-0808 Fax: 315-451-1351



## Citation and Notification of Penalty

**To:**  
The Rob Salamida Company  
and its successors  
Robert Salamida, Owner  
71 Pratt Avenue  
Johnson City, NY 13790

**Inspection Number:** 1095164  
**Inspection Date(s):** 09/28/2015 – 03/15/2016  
**Issuance Date:** 03/24/2016

**Inspection Site:**  
71 Pratt Avenue  
Johnson City, NY 13790

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

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

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

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

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

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

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

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/24/2016. The conference will be held by telephone or at the OSHA office located at 3300 Vickery Road, North Syracuse, NY 13212 on \_\_\_\_\_ at \_\_\_\_\_.

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



Citation Number   1   and Item Number   3f   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3g   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3h   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3i   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3j   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   3k   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   4   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   5   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   6   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   8   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   9   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   10   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   11a   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   1   and Item Number   11b   was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number   2   and Item Number   1   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

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**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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**Citation 1 Item 1** 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) Throughout the facility, on or about 11/12/15: Employees using sodium hypochlorite solution were not provided with suitable eye protection including, but not limited to splash goggles.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/08/2016  
\$2800.00

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

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

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

**a) Production area, on or about 9/28/15: A written respirator program was not developed and implemented for employees using air purifying respirators while entering vinegar tanks.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/08/2016  
\$2800.00

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Occupational Safety and Health Administration

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**Citation and Notification of Penalty**

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

29 CFR 1910.134(d)(1)(i): Selection of appropriate respirators was not based on the respiratory hazard(s) to which the worker was exposed and user factors that affect respirator performance and reliability:

**a) Production area, on or about 9/28/15: A cider vinegar tank was entered by an employee wearing a half face air purifying respirator, inappropriate for entry into a tank with an unknown atmosphere.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/08/2016

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

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**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
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**Citation 1 Item 2c** Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

**a) Production area, on or about 9/28/15: Medical evaluations for respirator use were not provided for employees using air purifying respirators while working around or entering into vinegar tanks.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

**a) Production area, on or about 9/28/15: Training on respirators was not provided for employees using air purifying respirators while working around or entering into vinegar tanks.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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**

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

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

**a) Throughout the facility, on or about 9/28/15: Danger signs were not posted on 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:	04/28/2016
Proposed Penalty:	\$2800.00

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

**Inspection Number:** 1095164  
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**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
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**Citation 1 Item 3b** Type of Violation: **Serious**

29 CFR 1910.146(d)(1): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not implement the measures necessary to prevent unauthorized entry:

**a) Throughout the facility, on or about 9/28/15: The employer did not implement measures to prevent unauthorized entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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:** The Rob Salamida Company  
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**Citation 1 Item 3c** Type of Violation: **Serious**

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

**a) Throughout the facility, on or about 9/28/15: The employer did not identify hazards encountered upon entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar. Hazards include but are not limited to atmospheric hazards such as oxygen deficiency and exposure to acetic acid vapors.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

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

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including but not limited to, identification of safe entry conditions, procedures for elimination atmospheric hazards and verification that conditions are acceptable before and during entry.

**a) Throughout the facility, on or about 9/28/15: The employer did not develop and implement procedures and practices to verify and maintain safe entry conditions during entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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:** The Rob Salamida Company  
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**Citation 1 Item 3e** Type of Violation: **Serious**

29 CFR 1910.146(d)(4): The employer did not provide the equipment specified in paragraphs (d)(4)(i)-(d)(4)(ix) of this section at no cost to employees, did not maintain that equipment properly, and/or did not ensure that employees use that equipment properly.

**a) Throughout the facility, on or about 9/28/15: The employer did not provide and ensure employee use of equipment for safe entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar. Equipment not provided included, but was not limited to, air monitoring equipment, ventilating equipment and rescue equipment.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

**Inspection Number:** 1095164  
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**Citation and Notification of Penalty**

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

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

**a) Throughout the facility, on or about 9/28/15: The employer did not ensure trained and authorized attendants were present for the duration of entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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:** The Rob Salamida Company  
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**Citation 1 Item 3g** Type of Violation: **Serious**

29 CFR 1910.146(d)(8): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not designate the persons who were to have active roles in entry operations, identify the duties of each such employee, and did not train them in paragraph (g) of this section:

**a) Throughout the facility, on or about 9/28/15: The employer did not designate or provide training to employees with responsibilities for entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016



### **Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

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

**a) Throughout the facility, on or about 9/28/15: The employer did not evaluate prospective rescuers ability to perform permit required confined spaces rescues from spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**b) Throughout the facility, on or about 9/28/15: The employer did not develop a system to provide for non- entry rescues by attendants equipped with suitable equipment such as harnesses, life lines and retrieval devices from permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**c) Throughout the facility, on or about 9/28/15: The employer did not develop a system for preventing unauthorized employees from entering permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

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

29 CFR 1910.146(d)(10): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by 29 CFR 1910.146(e):

**a) Throughout the facility, on or about 9/28/15: The employer did not document initial entry conditions and that appropriate conditions were maintained throughout entry into permit required confined spaces including, but not limited to, 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

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

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

**a) Throughout the facility, on or about 9/28/15: The employer did not train employees that enter 3000 gallon cider vinegar, red wine vinegar and distilled white vinegar tanks on the hazards of entry into permit required confined spaces.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

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

29 CFR 1910.146(l)(1): Employers shall consult with affected employees and their authorized representatives on the development and implementation of all aspects of the permit space program required by paragraph (c) of this section.

**a) Throughout the facility, on or about 9/28/15: The employer did not consult with employees involved with entry into permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative:

**a) Throughout the facility, on or about 11/12/15: A program was not developed to protect against unexpected energizing, startup or release of stored energy for machinery including, but not limited to, heat sealers and fill stations. Energy control procedures were not written, training was not performed and lockout devices were not available.**

**Abatement certification must be submitted for this item.**

Date By Which Violation Must be Abated:	04/28/2016
Proposed Penalty:	\$1600.00

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

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

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

**a) Throughout the facility, on or about 11/12/15: An eyewash was not provided for employees using sodium hypochlorite solution dispensed from 55 gallon drums.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/08/2016  
\$2800.00

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

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

29 CFR 1910.176(b): Storage of material created a hazard:

**a) Production area, on or about 11/12/15: Material on shelving in loft was not stored in a manner to protect against the hazard of objects falling on employees working below.**

**Abatement certification must be submitted for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/13/2016  
\$1600.00

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**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

29 CFR 1910.178(l)(1)(ii): The employer did not ensure that each operator had successfully completed the training required by paragraph (l), except as permitted by paragraph (l)(5), prior to permitting an employee to operate a powered industrial truck:

**a) Throughout the facility, on or about 9/29/15: Training was not provided for employees operating propane powered fork lifts, including the Clark GCX20 truck with 4000 lb. capacity.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1600.00

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:** 1095164  
**Inspection Date(s):** 09/28/2015 – 03/15/2016  
**Issuance Date:** 03/24/2016



**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

29 CFR 1910.212(a)(5): Fan blade guard(s) were not provided where the periphery of the blades was less than seven feet from the floor or working level:

**a) Work area containing freezer, on or about 11/12/15: Guarding was not provided for fan blades 5 feet, 2 inches from the ground in a walk-in freezer.**

**Abatement certification must be submitted for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/13/2016  
\$1600.00

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:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

29 CFR 1910.303(f): Each disconnecting means for motors and appliances was not located and arranged so the purpose was evident, nor legibly marked to indicate its purpose:

**a) Panel box # 1, on or about 11/12/15: Circuit breakers were not labeled including those for circuit breakers 3 -7, 9 -11, 13, 16, and 18 -31.**

**b) Panel box # 2, on or about 11/12/15: Circuit breakers were not labeled including those for circuit breakers 1- 4, 6 - 18, 20 - 22, 24, 26 -28, 31, 33 and 36-39.**

**c) Panel box # 3, on or about 11/12/15: Circuit breakers were not labeled including those for circuit breakers for 3- 7, 9, 12, 14, 15 -19, 22 - 24 and 26.**

**d) Panel box # 5 in production area, on or about 11/12/15: Circuit breakers were not labeled including circuit breakers for 2, 4, 6, 11, 22, and 25 -28.**

**Abatement certification must be submitted for this item.**

Date By Which Violation Must be Abated:

04/28/2016

Proposed Penalty:

\$1600.00

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

**Inspection Number:** 1095164  
**Inspection Date(s):** 09/28/2015 – 03/15/2016  
**Issuance Date:** 03/24/2016



**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

- a) Production area, on or about 11/12/15: A ground pin was missing from the electrical plug for stand-up fan on the fill end of the production line.**
- b) Production area, on or about 11/12/15: A ground pin was missing from the electrical plug for stand-up fan on the heat treat end of the production line.**

**Abatement certification must be submitted for this item.**

Date By Which Violation Must be Abated:	04/08/2016
Proposed Penalty:	\$1600.00

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:** 1095164  
**Inspection Date(s):** 09/28/2015 – 03/15/2016  
**Issuance Date:** 03/24/2016



**Citation and Notification of Penalty**

**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

**a) Throughout the facility, on or about 11/12/15: Information and training was not provided to employees on hazardous chemicals in the workplace including, but not limited to, sodium hypochlorite solution dispensed from 55 gallon drums, cider vinegar and degreasers.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:

04/08/2016

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:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avenue, Johnson City, NY 13790

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

**a) Throughout the facility, on or about 9/28/15: The employer did not evaluate the workplace for the presence of permit required confined spaces including but not limited to 3000 gallon tanks containing cider vinegar, distilled white vinegar and red wine vinegar.**

**Abatement documentation must be submitted for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/28/2016  
\$56000.00

A handwritten signature in blue ink, appearing to read "Chris Adams", written over a horizontal line.

**Christopher Adams, CIH CSP**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3300 Vickery Road  
North Syracuse, NY 13212  
Phone: 315-451-0808 Fax: 315-451-1351



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** The Rob Salamida Company  
**Inspection Site:** 71 Pratt Avnue, Johnson City, NY 13790  
**Issuance Date:** 03/24/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1095164</b>
<b>Citation 1, Serious</b>	<b>\$23600.00</b>
<b>Citation 2, Willful</b>	<b>\$56000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$79600.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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



**Christopher Adams, CIH CSP**  
Area Director

3-24-16

Date