

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Boston Area Office South  
639 Granite Street-4th floor  
Braintree, MA 02184  
Phone: (617)565-6924 FAX: (111)222-3333



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## Citation and Notification of Penalty

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**To:**  
Tribe Mediterranean Foods, Incorporated  
and its successors  
110 Prince Henry Drive  
Taunton, MA 02780

**Inspection Number:** 315145953  
**Inspection Date(s):** 12/16/2011-05/23/2012  
**Issuance Date:** 06/12/2012

**Inspection Site:**  
110 Prince Henry Drive  
Taunton, MA 02780

*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.*

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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 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 page 5 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.

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

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful and Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**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 06/12/2012. The conference will be held at the OSHA office located at Boston Area Office South, 639 Granite Street-4th floor, Braintree, MA, 02184 on \_\_\_\_\_ at \_\_\_\_\_.

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



**Citation and Notification of Penalty**

Company Name: Tribe Mediterranean Foods, Incorporated  
Inspection Site: 110 Prince Henry Drive, Taunton, MA 02780

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

29 CFR 1910.22(a)(2): Drainage was not maintained where wet process(es) were in use:

Cook Room: Where wet processes were used the employer failed to ensure that drainage capacity and location were adequate for employees exposed to slippery floors.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated: 07/27/2012  
Proposed Penalty: \$ 7000.00

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

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

Fill room #3: Workers were exposed to fall hazards of 7 feet, 3-inches while walking and working on top of the Ohlson #8 and Ohlson #4 machines to clean and sanitize.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated: 07/27/2012  
Proposed Penalty: \$ 7000.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Tribe Mediterranean Foods, Incorporated  
Inspection Site: 110 Prince Henry Drive, Taunton, MA 02780

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

29 CFR 1910.178(m)(5)(ii): The powered industrial truck was left un-attended when the operator was 25ft. or more away from the vehicle:

Outside packing room: An employee left a Yale, model MSW025SFN24TV083 powered pallet jack on and unattended outside the packing room.

Date By Which Violation Must be Abated: 07/27/2012  
Proposed Penalty: \$ 3300.00

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

Location: Maintenance Shop: The Delta 16.5-inch drill press was not mounted or anchored to the floor to prevent the equipment from walking or moving while in operation.

Date By Which Violation Must be Abated: 07/27/2012  
Proposed Penalty: \$ 4400.00

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

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

Maintenance Shop: The employer did not guard the exposed rotating horizontal rod/lead screws of the Leblond Regal lathe to protect workers that operate it from in-going nip-points hazards.

Date By Which Violation Must be Abated: 07/27/2012  
Proposed Penalty: \$ 5500.00



**Citation and Notification of Penalty**

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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

29 CFR 1910.303(b)(6): The employer did not ensure that conductors or equipment were not located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that have a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures.

Cook Room - Feeder pump skid machine: Workers who clean and work in the Cook Room with the feeder pump skid machine were exposed to fire hazards, arc flash, and blast hazards, and electric shock hazards up to 480 volts where the liquid tight flexible conduit had broken and pulled away exposing workers to the internal wires. Workers utilize water and soap during the cleaning and sanitization processes.

<b>Date By Which Violation Must be Abated:</b>	<b>07/27/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 5500.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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

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:

The employer does not ensure that each employee who maintains, services, cleans, and sanitizes machines is protected from the hazards associated with unexpected start up or release of stored energy during the maintenance/servicing, or cleaning/sanitizing processes. The employer does not document, implement, and utilize machine specific energy control procedures at its facility. This violation most recently occurred from 12/15/2011 to 4/4/2012, at the worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where Maintenance and Sanitation employees maintain, service, clean, and sanitize machines and were not protected from the hazards associated with unexpected startup or release of stored energy of the machines. The machines are not isolated from all energy sources and are not rendered inoperative prior to maintenance/servicing, cleaning/sanitizing of the machines. To abate this violation, the employer must ensure that machine specific energy control procedures are developed, documented, and utilized to protect employees from the unexpected start up or release of stored energy by the machine(s) while workers maintain, service, clean, and sanitize the machine(s), including but not limited to the following machines:

1. Feeder pump skid machine
2. Kettle 1
3. Kettle 2
4. Tank 3
5. Tank 4
6. Blender 1
7. Blender 2
8. Tank 30
9. Tank 801
10. Tank 802
11. Tank 803
12. Powerpack machine
13. Powerpack NT machine
14. Tiromat 3000 machine
15. Tank 805
16. Tank 804
17. Tank 20
18. Tank 21
19. Tank 22

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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- 20. Tank 23
- 21. PA-80 machine
- 22. PA-81 machine
- 23. Packline PXM6
- 24. PA1 filling machine
- 25. Delkor Robotic palletizing system

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented machine specific energy procedures.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

<b>Date By Which Violation Must be Abated:</b>	<b>07/27/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 70000.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Tribe Mediterranean Foods, Incorporated  
Inspection Site: 110 Prince Henry Drive, Taunton, MA 02780

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**Citation 2 Item 3 Type of Violation: **Willful****

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 was understood by employees:

The employer does not ensure that each employee who cleans and sanitizes machines is protected from the hazards associated with unexpected start up or release of stored energy during the cleaning/sanitation process. The employer does not instruct and train each authorized and affected employee who cleans and sanitizes machines in the methods and means necessary for energy isolation and control. This violation most recently occurred from 12/15/2011 to 12/16/2011, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where EMPLOYEE #2 was cleaning/sanitizing the Feeder pump skid machine, Kettle #1, and Kettle #2 and was not protected from the hazards associated with unexpected startup or release of stored energy of the machine. To abate this violation, the employer must ensure that each authorized and affected employee is trained in the methods and means necessary for energy isolation and control on each specific machine.

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented training records.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated:	07/27/2012
Proposed Penalty:	\$ 70000.00



**Citation and Notification of Penalty**

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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**Citation 2 Item 4 Type of Violation: **Willful****

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 was understood by employees:

The employer does not ensure that each employee who cleans and sanitizes machines is protected from the hazards associated with unexpected start up or release of stored energy during the cleaning/sanitation process. The employer does not instruct and train each authorized and affected employee who cleans and sanitizes machines in the methods and means necessary for energy isolation and control. This violation most recently occurred from 2/27/2012 to 4/4/2012, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where EMPLOYEE #3 was cleaning/sanitizing Kettle #1, Kettle #2, Tank 3, Tank 4, Blender 1, Blender 2, Tank 30, Tank 801, Tank 802, Tank 803, Powerpack machine, Powerpack NT machine, Tank 805, Tank 804, Tank 20, Tank 21, Tank 22, and Tank 23, and was not protected from the hazards associated with unexpected startup or release of stored energy of the machine. To abate this violation, the employer must ensure that each authorized and affected employee is trained in the methods and means necessary for energy isolation and control on each specific machine.

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented training records.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

<b>Date By Which Violation Must be Abated:</b>	<b>07/27/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 70000.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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**Citation 2 Item 5 Type of Violation: **Willful****

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 was understood by employees:

The employer does not ensure that each employee who cleans and sanitizes machines is protected from the hazards associated with unexpected start up or release of stored energy during the cleaning/sanitation process. The employer does not instruct and train each authorized and affected employee who cleans and sanitizes machines in the methods and means necessary for energy isolation and control. This violation most recently occurred from 2/1/2012 to 4/4/2012, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where Employee #4 was cleaning/sanitizing the following machines: Kettle 1, Kettle 2, Powerpack, Tiromat 3000, and Powerpack NT and was not protected from the hazards associated with unexpected startup or release of stored energy of the machine(s). To abate this violation, the employer must ensure that each authorized and affected employee is trained in the methods and means necessary for energy isolation and control on each specific machine.

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented training records.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated:	07/27/2012
Proposed Penalty:	\$ 70000.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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**Citation 2 Item 6 Type of Violation: **Willful****

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 was understood by employees:

The employer does not ensure that each employee who cleans and sanitizes machines is protected from the hazards associated with unexpected start up or release of stored energy during the cleaning/sanitation process. The employer does not instruct and train each authorized and affected employee who cleans and sanitizes machines in the methods and means necessary for energy isolation and control. This violation most recently occurred from 1/10/2012 to 4/3/2012, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where Employee #5 was cleaning/sanitizing the following machines: Blender 1 and Blender 2, and was not protected from the hazards associated with unexpected startup or release of stored energy of the machine(s). To abate this violation, the employer must ensure that each authorized and affected employee is trained in the methods and means necessary for energy isolation and control on each specific machine.

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented training records.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

<b>Date By Which Violation Must be Abated:</b>	<b>07/27/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 70000.00</b>



**Citation and Notification of Penalty**

**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780

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**Citation 2 Item 7 Type of Violation: **Willful****

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 was understood by employees:

The employer does not ensure that each employee who cleans and sanitizes machines is protected from the hazards associated with unexpected start up or release of stored energy during the cleaning/sanitation process. The employer does not instruct and train each authorized and affected employee who cleans and sanitizes machines in the methods and means necessary for energy isolation and control. This violation most recently occurred from 2/27/2012 to 4/3/2012, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where Employee #6 was cleaning / sanitizing the following machines: Blender 1 and Blender 2, and was not protected from the hazards associated with unexpected startup or release of stored energy of the machine(s). To abate this violation, the employer must ensure that each authorized and affected employee is trained in the methods and means necessary for energy isolation and control on each specific machine.

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented training records.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

<b>Date By Which Violation Must be Abated:</b>	<b>07/27/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 70000.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Tribe Mediterranean Foods, Incorporated  
Inspection Site: 110 Prince Henry Drive, Taunton, MA 02780

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**Citation 2 Item 9** Type of Violation: **Willful**

29 CFR 1910.147(c)(7)(i) (A): Each authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

The employer does not ensure that each employee who maintains and services machines is protected from the hazards associated with unexpected start up or release of stored energy during the maintenance/servicing process. The employer does not instruct and train each authorized employee who maintains and services machines in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control. This violation most recently occurred from 12/15/2011 to 4/5/2012, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where Maintenance Employees, who maintain and service machines were not protected from the hazards associated with unexpected startup or release of stored energy of the machine(s). To abate this violation, the employer must ensure that each authorized employee is trained in the methods and means necessary for energy isolation and control on each specific machine.

Date by which the violation must be abated: 7/27/12

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented training records.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated:	07/27/2012
Proposed Penalty:	\$ 70000.00



**Citation and Notification of Penalty**

Company Name: Tribe Mediterranean Foods, Incorporated  
Inspection Site: 110 Prince Henry Drive, Taunton, MA 02780

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

The employer does not ensure that periodic inspections of the energy control procedures are completed at least annually to ensure that the procedures and the requirements of OSHA's lockout tag out standard are being followed. This violation most recently occurred from 12/16/2011 to 4/4/2012 at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where energy control procedures were not inspected at least annually. To abate this violation, the employer must ensure that the energy control procedures are annually inspected and meet all the all the requirements of 1910.147(c)(6)(i)(A)-(D).

Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the documented lock out tag out periodic inspection records.

TRIBE MEDITERRANEAN FOODS, INC. DBA FOODTECH INTERNATIONAL, INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 123191454, CITATION NUMBER 1, ITEM 1, ISSUED ON OCTOBER 15, 2009, WITH A FINAL ORDER DATE OF NOVEMBER 6, 2009, AND A FINAL ABATEMENT DATE OF NOVEMBER 17, 2009.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated:	07/27/2012
Proposed Penalty:	\$ 15400.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Tribe Mediterranean Foods, Incorporated  
Inspection Site: 110 Prince Henry Drive, Taunton, MA 02780

**Citation 3 Item 3 Type of Violation: Repeat**

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

The employer does not ensure that machines with in-going nip-points are adequately guarded. This violation most recently occurred from 12/20/2011 to 1/10/2012, at its worksite located at 110 Prince Henry Drive, Taunton, Massachusetts, where the can opener conveyor machine's chain and sprocket in the Blending room was not adequately guarded. To abate this violation, the employer must ensure that the can opener conveyor machine has an adequate guard.

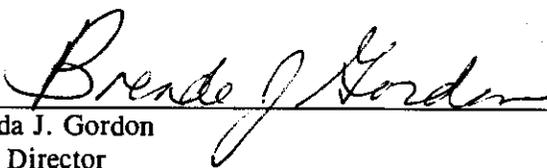
Date by which the violation must be abated: 7/27/12.

Pursuant to 1903.19(d), the employer must submit the documentation describing the steps it is taking to ensure compliance, and must submit the photographs of the corrected machine guard.

TRIBE MEDITERRANEAN FOODS, INC. DBA FOODTECH INTERNATIONAL, INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 123191454, CITATION NUMBER 1, ITEM 3b, ISSUED ON OCTOBER 15, 2009, WITH A FINAL ORDER DATE OF NOVEMBER 6, 2009, AND A FINAL ABATEMENT DATE OF NOVEMBER 17, 2009.

**"ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM"**

Date By Which Violation Must be Abated:	07/27/2012
Proposed Penalty:	\$ 8800.00

  
Brenda J. Gordon  
Area Director

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Boston Area Office South  
639 Granite Street-4th floor  
Braintree, MA 02184  
Phone: (617)565-6924 FAX: (617)565-6923



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Tribe Mediterranean Foods, Incorporated  
**Inspection Site:** 110 Prince Henry Drive, Taunton, MA 02780  
**Issuance Date:** 06/12/2012

**Summary of Penalties for Inspection Number 315145953**

<b>Citation 1, Serious</b>	= \$ 32700.00
<b>Citation 2, Willful</b>	= \$ 630000.00
<b>Citation 3, Repeat</b>	= \$ 39600.00
<b>TOTAL PROPOSED PENALTIES</b>	= \$ 702300.00

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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.

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

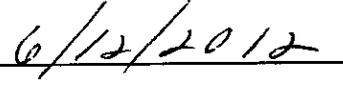
**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 3%. Interest 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.

  
Brenda J. Gordon  
Area Director

  
Date

**U.S. DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION**

**GUIDELINES FOR PREPARING AN ADEQUATE  
VERIFICATION OF ABATEMENT LETTER**

OSHA cannot close out your file until adequate verification of abatement has been provided.

Please include the following in your abatement letter(s):

- Employer's name and address;
- OSHA inspection number (from the citation);
- For each item you are reporting on, indicate the Citation Number, Item Number, Instance, date corrected, and method of correction; (give a brief description of what actions were taken to correct each hazard)

**EXAMPLE:**

**Citation 01, Item 01, Instance (a) -- Corrected on (DATE) by installing a guard on the Black & Decker table saw.**

- For those items, only where it is specifically noted on the citation that "**ABATEMENT DOCUMENTATION IS REQUIRED FOR THIS ITEM**", please provide documentary evidence that abatement is complete. Such evidence may include, but is not limited to, evidence of the purchase or repair of equipment, photographic or video evidence, or other written records;
- A statement that affected employees and their representatives have been informed of the abatement;
- A statement that the information submitted is accurate;
- The signature of the employer or the employer's authorized representative.
- "**Certification of Abatement**" must be received by OSHA within 13 calendar days after the Abatement Date.



The Hazard Referenced In: **Tribe Mediterranean Foods, Incorporated OSHA# 315145953 N8631 H6396**

**ABATEMENT CERTIFICATION FORM**

The hazard referenced in Inspection #315145953 for violation identified as:

**(Give a brief description of what actions were taken to correct each hazard)**

Citation # \_\_\_\_\_, Item # \_\_\_\_\_ was corrected on (date) \_\_\_\_\_,

(Describe Action Taken)

Citation # \_\_\_\_\_, Item # \_\_\_\_\_ was corrected on (date) \_\_\_\_\_,

(Describe Action Taken)

Citation # \_\_\_\_\_, Item # \_\_\_\_\_ was corrected on (date) \_\_\_\_\_,

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(Describe Action Taken)

Citation # \_\_\_\_\_, Item # \_\_\_\_\_ was corrected on (date) \_\_\_\_\_,

(Describe Action Taken)

I Attest that the information contained in this document is accurate, and I further attest that affected employees and their representatives have been informed of this abatement.

\_\_\_\_\_  
**Employers Signature**

\_\_\_\_\_  
**Typed or Written Name**



The Hazard Referenced In: Tribe Mediterranean Foods, Incorporated OSHA# 315145953 N8631  
H6396

**ABATEMENT CERTIFICATION FORM**

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(Give a brief description of what actions were taken to correct each hazard)

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(Describe Action Taken)

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Employers Signature

\_\_\_\_\_  
Typed or Written Name



The Hazard Referenced In: Tribe Mediterranean Foods, Incorporated OSHA# 315145953 N8631  
H6396

**ABATEMENT CERTIFICATION FORM**

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\_\_\_\_\_  
Employers Signature

\_\_\_\_\_  
Typed or Written Name



The Hazard Referenced In: Tribe Mediterranean Foods, Incorporated OSHA# 315145953 N8631  
H6396

**ABATEMENT CERTIFICATION FORM**

The hazard referenced in Inspection #315145953 for violation identified as:

**(Give a brief description of what actions were taken to correct each hazard)**

Citation # \_\_\_\_\_, Item # \_\_\_\_\_ was corrected on (date) \_\_\_\_\_,

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(Describe Action Taken)

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\_\_\_\_\_  
(Describe Action Taken)

I Attest that the information contained in this document is accurate, and I further attest that affected employees and their representatives have been informed of this abatement.

\_\_\_\_\_  
Employers Signature

\_\_\_\_\_  
Typed or Written Name

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

639 Granite Street, 4<sup>th</sup> Floor  
Braintree, Massachusetts 02184  
Phone: (617) 565-6924 Fax: (617) 565-6923



June 12, 2012

OSHA Inspection 315145953

Erez Ingber, Plant Manager  
Tribe Mediterranean Foods, Inc.  
110 Prince Henry Drive  
Taunton MA 02780

Dear Erez Ingber,

OSHA was notified of an industrial accident at your workplace at 110 Prince Henry Drive on December 16, 2011. OSHA initiated an inspection which revealed the following hazards:

**OBSERVATION 1:** On December 16, 2011, the employer did not provide a copy of the OSHA 300a and the 301 forms for calendar year 2009 and 2010 as requested and required within four hours.

**OBSERVATION 2:** The following machine guarding hazards were observed between January 10 and February 7, 2012, exposing employees to amputation and crushing hazards:

1. Cook Room – Feeder pump skid machine: The inspection door in the cover/guard can be opened during production thereby exposing production employees to amputation hazards from two rotating augers.
2. Blending Room – The cover to the #1 blending tank is warped, resulting in a 2-inch opening, exposing production workers to amputation hazards from the rotating blender blades inside of the tank.

Since no OSHA standard applies and it is not considered appropriate at this time (although it may meet the criteria at some future time) to invoke Section 5(a)(1), the general duty clause of the Occupational Safety and Health Act, no citations will be issued for these hazards. Pursuant to Section 21 of the Act, which authorizes OSHA to train employers and employees about workplace hazards and appropriate abatement methods, it is recommended that the following steps be taken to eliminate or reduce the hazards described above:

**RECOMMENDATION 1:** Ensure that OSHA Logs are maintained according to 1904 requirements and kept in a central location that is accessible to managers. Ensure that all managers know the location of the records.

**RECOMMENDATION 2:** Ensure that machines with point of operation amputation/crushing hazards are adequately guarded.

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

639 Granite Street, 4<sup>th</sup> Floor  
Braintree, Massachusetts 02184  
Phone: (617) 565-6924 Fax: (617) 565-6923

OSHA requests a written response on the steps taken to rectify these issues by July 13, 2012. If you have any questions please contact either myself or the supervisor who is handling this inspection, Maria-Lisa Abundo, at (617) 565-6924 extension 640. Thank you in advance for your interest in workplace safety and health.

Sincerely,



Brenda Gordon  
Area Director