

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
130 South Elmwood Avenue  
Suite 500  
Buffalo, NY 14202  
Phone: 716-551-3053 Fax: 716-551-3126



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## Citation and Notification of Penalty

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**To:**  
Tyson Foods, Inc., dba Zenco Industries, Inc/Tyson  
Deli  
665 Perry Street  
Buffalo, NY 14210

**Inspection Number:** 907037  
**Inspection Date(s):** 05/16/2013 - 08/14/2013  
**Issuance Date:** 11/14/2013

**Inspection Site:**  
665 Perry Street  
Buffalo, NY 14210

*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 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.

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 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 11/14/2013. The conference will be held by telephone or at the OSHA office located at 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 907037**

Company Name: Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
Inspection Site: 665 Perry Street, Buffalo, NY 14210  
Issuance Date: 11/14/2013

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, 130 South Elmwood Avenue, Suite 500, Buffalo, NY 14202**

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: 907037  
Inspection Date(s): 05/16/2013 - 08/14/2013  
Issuance Date: 11/14/2013



**Citation and Notification of Penalty**

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.23(a)(3)(i): Every hatchway and chute floor opening were not guarded by one of the following: Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings:

**a) On or about 05/16/13, on the roof above boiler room, a hatchway's cover was open exposing employees to approximately 18 feet fall below.**

**NO ABATEMENT CERTIFICATION REQUIRED**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5500.00

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

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**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.23(a)(4): Skylights were not guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

**a) On or about 05/16/13, on the roof near refrigeration equipment such as, but not limited to: RTU-3 and RTU-5, Twelve (12) skylights did not have screen guards or standard railings.**

**NO ABATEMENT CERTIFICATION REQUIRED**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5500.00

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

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

29 CFR 1910.37(a)(3): Exit routes were not free and/or unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route:

- a) On or about 05/16/13, in the pack 2/3 room, an exit route (exit #11) was blocked by two metal supports for a plastic container and a plastic bag with sausages.
- b) On or about 05/16/13, in the pack 2/3 room, an exit route (palletizing #3, F103) was blocked by a plastic bag on a metal support.

**ABATEMENT CERTIFICATION REQUIRED**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$3300.00

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**Citation and Notification of Penalty**

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
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**Citation 1 Item 4 Type of Violation: **Serious****

29 CFR 1910.119(d)(3)(i)(B): The employer's piping and instrument diagrams were not accurate and did not represent equipment that was existing and was part of the process:

a) On or about 05/16/13, in the establishment, Piping and Instrument Diagram P&ID - AU 16 and CB ALKAR, dated: 6/01/2007, DWG NO: BU-30-73-052, did not represent the existing process equipment Oil Pot of CB ALKAR, Installation Date: 08/2010, Manufacturer: H.A. Phillips, Maximum Operating Pressure/Temperature: 300 psi @ -20 F, National Board Number: 12464, Dimensions: 29"x 6-5/8".

b) On or about 05/16/13, in the establishment, Piping and Instrument Diagrams P&IDs dated: 6/01/2007 such as, but not limited to:

-P&ID: AU 16 and CB ALKAR, DWG NO: BU-30-73-052

-P&ID: +12F RECIRC. PUMP PKG, DWG NO: BU-13-73-008

-P&ID: 800GL COMPRESSOR RC-5, DWG NO: BU-13-73-020

-P&ID: AUTO PURGER AP-1 AND LOW TEMP PUMP RECEIVER PR-1, DWG NO: BU-13-73-030 did not include information that provided specific identification of process equipment such as valves. There were many valves without tag numbers.

c) On or about 05/16/13, in the establishment, Piping and Instrument Diagram P&ID: DOUBLE ALKAR CHILLER, dated: 06/01/2007, DWG: BU-29-73-041 was not accurate as represented an Oil Pot, Manufacturer: EVAPCO, Maximum Operating Pressure/Temperature: 300 psig/ - 20 F to 500 F, instead of representing the existing Oil Pot, Installation Date: 9/14/2008, Manufacturer: Standard Refrigeration Company, Maximum Operating Pressure/Temperature: 400 psi @ - 20F.

**ABATEMENT DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated:

12/15/2013

Proposed Penalty:

\$7000.00

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

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

29 CFR 1910.119(e)(3)(i): The process hazard analysis did not address the hazards of the process:

**a) On or about 05/16/13, throughout the facility, Process Hazard Analysis (PHA) for Ammonia Refrigeration System (dated 07/22/2004 and Revalidation 2009) did not evaluate employees exposure to toxic Ammonia while performing maintenance tasks on the roof and other equipment's platforms located near to the discharge of relief piping from process equipment such as, but not limited to: Pump Out Vessel, Pump Out Compressor, Double Wide Alkar, Little Alkar and Evaporator Condensers EC# 3 and EC#4.**

**ABATEMENT DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$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:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.119(f)(1)(i)(B): The employer did not develop and implement written operating procedures that provided clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and did not address normal operations:

a) On or about 05/16/13, in the establishment, operating procedures for each oil draining point such as, but not limited to: Oil Draining Procedure of Oil Pot for CB-Alkar-Chiller Surge Drum, Oil Draining Procedure of Oil Pot for Double Alkar Chiller Surge Drum and Oil Draining Procedure for Drain Point of Pumpout Vessel and Compressor, were not developed.

b) On or about 05/16/13, in the establishment, Standard Operating Procedures (SOPs) such as, but not limited to: SOP +12F REC - Operation of Recirculator & Ammonia Pumps, and SOP-CB-ALKAR-CHILLER - Operation of Water Chiller & Control Bank did not provide clear instructions and were not accurate as evidenced by:

SOP +12F REC - Operation of Recirculator & Ammonia Pumps mentioned valve tag numbers and a P&ID which did not exist in the plant. Examples were:

- In page 14, Task 1. Initial Startup, Step 5 and in pages 20, 21, Task 8a. Pump out of liquid pump #1, Steps 3, 5, 8, and 10, a non-existent valve XXXX2 was mentioned.

- In pages 25, 26, Task 9. Pumpout Vessel and Pumps, Steps 12, 20, 22, another non-existent valve xxxx was mentioned.

Engineers who operated and maintained the Ammonia System did not know which valves these steps were referring to and the valves XXXX2 and xxxx were not found in any P&ID. In addition, in page 26, this SOP mentioned P&ID CV-13-73-025 which did not exist in this plant.

SOP-CB-ALKAR-CHILLER - Operation of Water Chiller & Control Bank did not use valve tag numbers in all their steps and some of the steps were incomplete sentences making unclear the actions needed to be taken by employees. Examples were:



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**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
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- In page 8, Task 1. Initial Startup, Step 4 - "Confirm that all line service valves are open EXCEPT high pressure liquid valves and high suction and". This step was an incomplete sentence and it did not use valve tag numbers.
- In page 12, Task 4. Emergency Shutdown, Step 2 - "Close liquid valves and suction valves and". This step was an incomplete sentence and it did not use valve tag numbers.
- In page 13, Valve Legends, there were not valves called "line service valves, high pressure liquid line valves and high side suction" as used in Step 4, page 8.
- In page 9, Steps 12, 13 mentioned "Open Suction valve" and "Open Liquid valve". These steps did not specify which valves tag numbers needed to be open.
- Many steps stated see P&ID # BU-30-73-052 as a reference to properly apply this SOP. However, this P&ID was not up to date, it had missing valve tag numbers and an existing equipment (Oil Pot). Also, this SOP mentioned valves: AMM 1397 and AMM 1398 which were not in the corresponding P&ID # BU-30-73-052.

**ABATEMENT DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated:	12/15/2013
Proposed Penalty:	\$7000.00



### Citation and Notification of Penalty

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.119(j)(4)(i): The employer did not perform inspection and tests on process equipment to maintain its mechanical integrity:

a) On or about 05/16/13, throughout the Ammonia Refrigeration Facility, Employer did not perform testing of High Level Alarms/High Level Emergency Shutdown Systems and Low Level Emergency Shutdown Systems (HLS FS1; LSH 13022), on process equipment such as, but not limited to: High Temp Recirculator and Low Temp Pump Receiver, at least annually as required by IAR Bulletin #110-1993, Section 6.6.4 and the Employer's Preventive Maintenance/Mechanical Integrity Procedures.

b) On or about 05/16/13, throughout the Ammonia Refrigeration Facility, Employer did not perform testing (i.e. Ultrasonic Non-Destructive Testing) on process equipment installed in 2005 such as, but not limited to: High Temperature Recirculator (except bottom); High Temperature Recirculator Oil Pot; Evaporative Condensers EC-3 and EC-4; High Temperature Recirculator Transfer Tank, Pumpout Vessel and Pumpout Compressor; Alkar Chiller and Surge Drum; Spiral Freezers SPC-A, SPC-B and SPC-C; Denetting Coolers DC-A1 and DC-A2; South Hallway Units SH-A1 and SH-A2; Slicing Coolers Units SC-A1, SC-B1, SC-B2; East Hallway Units EH-A1 and EH-A2; Blast Cooler Units BC-B1, BC-B2, BC-A1, BC-A2; Finish Cooler Units FBC-A1 and FBC-A2; Fresh Blast Cooler Units FBC-B1, FBC-B2, FBC-A3; Spiral Cooler Pack Room Units PR-A1 and PR-B1; Cooler Pack Room Unit CIP-A1; Cooler # 4 Units AU-40 and AU-41 at least every 5 years as required by IAR Bulletin #110, 1993, Section 6.4.4. and Employer's Preventive Maintenance/Mechanical Integrity Procedures.

c) On or about 05/16/13, in the electrical room adjacent to the engine room, Employer did not perform testing of the Honeywell HA-40 Ammonia Detection/Alarm System every 3 months as required by Manufacturer and Employer's Preventive Maintenance/Mechanical Integrity Procedures.

### **ABATEMENT DOCUMENTATION REQUIRED**

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:** 907037  
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**Citation and Notification of Penalty**

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
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**Among abatement methods is to follow IIAR Bulletin #110-1993, Section 6.4.4, Section 6.6.4 and Manufacturers Recommendations.**

Date By Which Violation Must be Abated:	12/15/2013
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

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**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 8 a** Type of Violation: **Serious**

**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:**

**a) On or about 05/16/13, in the CB Ham Pack areas, a ham press was operated by unguarded foot-pedal exposing employees' fingers/hands to be caught between the ram plate of the ham press and a mold's lid.**

**ABATEMENT CERTIFICATION REQUIRED**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$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

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**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

a) On or about 05/16/13, in the CB Ham Pack areas, a ham press did not have appropriate guards or safety devices to prevent employees' fingers/hands to be caught between the ram plate of the ham press and a mold's lid.

**ABATEMENT CERTIFICATION REQUIRED**

Date By Which Violation Must be Abated:

12/15/2013

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 9 Type of Violation: **Serious****

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

a) **On or about 05/16/13, in the Pack 2/3 room next to Palletizing # 3 F103 Exit, an electrical outlet box energizing Lafferty Timed Entryway Photocell Assembly Equipment did not have a faceplate.**

**ABATEMENT CERTIFICATION REQUIRED**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$3300.00

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 10** Type of Violation: **Serious**

29 CFR 1910.333(a): Safety-related work practices were not employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work was performed near or on equipment or circuits which were or could be energized:

a) **On or about 05/16/13, in the establishment, Employer did not employ safety-related work practices such as, but not limited to: Electric Shock Hazard Analysis; Arc Flash Hazard Analysis; Determination of Limited Approach Boundary; Determination of Restricted Approach Boundary; Determination of Prohibited Approach Boundary, Determination of Required Personal Protective Equipment to safely perform electrical tasks or the Employer did not use NFPA 70 E, 2012 Edition, Standard for Electrical Safety in the Workplace, Sections and Tables: Sections 130.4 (A) and 130.4 (B); Tables 130.4 (C)(a) and 130.4 (C)(b); Sections 130.4 (C), 130.7 (C)(1) through 130.7 (C)(16); Tables 130.7(C)(15)(a), 130.7 (C)(15)(b) and 130.7 (C)(16) and 130.7 (D) respectively to determine employees exposure to electrical hazards, the required Personal Protective Equipment (PPE) and other precautions for employees performing tasks on energized equipment/machines.**

**ABATEMENT CERTIFICATION REQUIRED**

**Among feasible methods of abatement is to follow NFPA 70 E, Standard for Electrical Safety in the Workplace, 2012 Edition, Chapter 1 - Safety-Related Work Practices.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$5500.00



**Citation and Notification of Penalty**

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with electrical protective equipment that was appropriate for the specific parts of the body that needed to be protected and for the work being performed:

a) On or about 05/16/13, in Line 1/Cook side, Employer did not provide Electrical Personal Protective Equipment (PPE) such as:

- Class G or E Hard Hat
- Arc-Rated Face Shield or Arc Flash Suit Hood (minimum arc rating of 4 cal/cm<sup>2</sup>)
- Safety Glasses or Safety Goggles (ANSI/ASSE Z87.1-2003)

to employees performing "Live Troubleshooting" tasks such as, but not limited to: Voltage Testing on an energized electrical cabinet of a Metal Detector Machine (Manufacturer: Safeline Mettler Toledo, 110 Volts, 3 Amps, Model: PPH/20x06/ SS/100300 /HD/V3/PUR/RC).

**ABATEMENT CERTIFICATION REQUIRED**

Among feasible methods of abatement is to follow NFPA 70 E, Standard for Electrical Safety in the Workplace, 2012 Edition, Article 130 - Work Involving Electrical Hazards.

Date By Which Violation Must be Abated:

12/15/2013

Proposed Penalty:

\$5500.00

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

Inspection Number: 907037  
Inspection Date(s): 05/16/2013 - 08/14/2013  
Issuance Date: 09/27/2013



**Citation and Notification of Penalty**

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk were not guarded:

**a) On or about 05/16/13, on the plant's roof/old condensers' platforms, there were two holes measuring 9 inches and 9.3 inches exposing employees to trips and falls.**

**NO ABATEMENT CERTIFICATION REQUIRED**

Tyson Foods Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.23 (a)(8), which was contained in OSHA inspection number 312217144, citation number 1, item number 1 and was affirmed as a final order on 10/02/2008, with respect to a workplace located at 1901 S. St. Louis, Concordia, MO, 64020.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$22000.00

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

Arthur Dube  
Area Director

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:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

The employer does not comply with recognized and generally accepted good engineering practices for the height of relief piping discharge/relief valve header vent lines:

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices:

**Recent examples of this occurred on 05/16/13, when:**

- a) **On the Plant's roof, Employer did not document that the relief piping discharge from Pump Out Vessel which extended 10.2 feet above adjacent roof floor complied with, standards such as, but not limited to: ANSI/ASHRAE 15-2010: Safety Standard for Refrigeration Systems, Section 9.7.8; ANSI/IIAR 2- 2008: Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration System, Section 11.3.6.4, requiring the discharge from relief devices to the atmosphere shall not be less than 15 feet above adjacent grade, ground, platform or roof level.**
- b) **On the Plant's roof, Employer did not document that the relief piping discharge from Pump Out Compressor which extended 10.8 feet above adjacent roof floor complied with, standards such as, but not limited to: ANSI/ASHRAE 15-2010: Safety Standard for Refrigeration Systems, Section 9.7.8; ANSI/IIAR 2- 2008: Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration System, Section 11.3.6.4, requiring the discharge from relief devices to the atmosphere shall not be less than 15 feet above adjacent grade, platform or roof level.**
- c) **On the Plant's roof, Employer did not document that the relief piping discharge from Double wide Alkar which extended 13.8 feet above adjacent roof floor complied with, standards such as, but not limited to: ANSI/ASHRAE 15-2010: Safety Standard for Refrigeration Systems, Section 9.7.8; ANSI/IIAR 2- 2008: Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration System, Section 11.3.6.4, requiring the discharge from relief devices to the atmosphere shall not be less than 15 feet above adjacent grade, platform or roof level.**

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:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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d) On the Plant's roof, Employer did not document that the relief piping discharge from Little Alkar which extended 13.8 feet above adjacent roof floor complied with, standards such as, but not limited to: ANSI/ASHRAE 15-2010: Safety Standard for Refrigeration Systems, Section 9.7.8; ANSI/IIAR 2-2008: Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration System, Section 11.3.6.4, requiring the discharge from relief devices to the atmosphere shall not be less than 15 feet above adjacent grade, platform or roof level.

e) On the top platforms of Evaporative Condensers EC#3 and EC#4, Employer did not document that the relief piping discharge from pressure relief valves: PSV 13145 and PSV 13146 above adjacent platform complied with, standards such as, but not limited to: ANSI/ASHRAE 15-2010: Safety Standard for Refrigeration Systems, Section 9.7.8; ANSI/IIAR 2-2008: Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration System, Section 11.3.6.4, requiring the discharge from relief devices to the atmosphere shall not be less than 15 feet above adjacent grade, platform or roof level.

**ABATEMENT DOCUMENTATION REQUIRED**

Tyson Foods Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29CFR 1910.119 (d)(3)(ii), which was contained in OSHA inspection number 314060807, citation number 1, item number 2 and was affirmed as a final order on 01/28/2013, with respect to a workplace located at 1131 Dakota Avenue, Dakota City, NE, 68731.

Among feasible methods of abatement is to follow ANSI/ASHRAE 15-2010 and ANSI/IIAR 2-2008.

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$38500.00



**Citation and Notification of Penalty**

**Company Name:** Tyson Foods, Inc., dba Zemco Industries, Inc/Tyson Deli  
**Inspection Site:** 665 Perry Street, Buffalo, NY 14210

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

29 CFR 1910.303(g)(1)(i): The dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive was less than indicated in Table S1:

a) On or about 05/16/13, in the engine/compressors room, access to electrical control panel of the Pump Out Compressor (480 volts), disconnect for main power and disconnect for the heater were blocked by a utility cart with materials/equipment located in front of them. There was not a 3 feet clearance in front of these electrical panel/disconnect switches to provide sufficient access and working space to employees.

**ABATEMENT CERTIFICATION REQUIRED**

Tyson Foods Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.303(g)(1), which was contained in OSHA inspection number 316034578, citation number 2, item number 1 and was affirmed as a final order on 06/25/2012, with respect to a workplace located at 9 N. Washington Street, Hutchinson, KS, 67505.

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/15/2013  
\$220.00

  
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Arthur Dube  
Area Director