

U.S. Department of Labor

Occupational Safety and Health Administration
4802 E. Broadway,
Madison, WI 53716
Phone: 608-441-5388 Fax: 608-441-5400



Citation and Notification of Penalty

To:
VPP Group, LLC
19087 Highway 71 East
Norwalk, WI 54648

Inspection Number: 110344
Inspection Date(s): 12/09/2011 - 06/06/2012
Issuance Date: 06/07/2012

Inspection Site:
19087 Highway 71 East
Norwalk, WI 54648

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 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, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/07/2012. The conference will be held at the OSHA office located at 4802 E. Broadway, Madison, WI 53716 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 110344

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648
Issuance Date: 06/07/2012

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, 4802 E. Broadway, Madison, WI 53716**

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

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Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

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

29 CFR 1910.215(a)(4): On offhand grinding machines, work rests were not used to support the work. Work rests were not kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage.

The employer did not adjust the work rest for the grinder to less than one-eighth inch between the grinding wheel and the rest. Employees were exposed to being struck by flying abrasive wheel fragments.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$4000.00

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

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

29 CFR 1910.215(b)(9): Safety guards of the types described in Subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, were not constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in paragraphs(b)(3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)

The distance between the adjustable tongue guard and the face of the grinding wheel of the pedestal grinder exceeded one-fourth inch. Employees were exposed to being struck by flying abrasive wheel fragments.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:

06/11/2012



Citation and Notification of Penalty

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

29 CFR 1910.303(f)(2): Services, feeders, and branch circuits. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident.

Maintenance Shop - The overcurrent devices (circuit breakers) contained within the panel board were not legibly marked and others did not indicate their purposes. Employees working on or near connected equipment were exposed to electrical hazards.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$5000.00

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

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

A fluorescent light fixture used on the kill floor was not grounded. The equipment grounding conductor was not connected to the fixture. Employees performing a repair in the immediate area were exposed to the hazard of electrocution.

Date by which Violation must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7000.00

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

Inspection Number: 110344
Inspection Date(s): 12/09/2011 - 06/06/2012
Issuance Date: 06/07/2012



Citation and Notification of Penalty

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

Employees were not protected from inadvertent contact with live (energized) parts above the kill floor where electrical conduit boxes were not enclosed or covered. Employees were exposed to the hazard of electrocution.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$4000.00

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

29 CFR 1910.305(g)(1)(iv)(A): As a substitute for the fixed wiring of a structure;

Temporary wiring was used by the employer to power lights and fans over the kill floor and throughout the facility.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$5000.00

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

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
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Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws.

- a) No strain relief was provided for the Butcher Boy meat saw resulting in damage to the flexible cord from pull being transmitted to the joint where the cord entered and terminals in the box.
- b) No strain relief was provided for a flexible cord supplying power to the fluorescent light fixture above the kill floor, resulting in pull being transmitted to the joint where the chord entered the fixture.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$7000.00

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

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
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Citation 1 Item 7 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. The specific safety-related work practices were not consistent with the nature and extent of the associated electrical hazards.

Kill Floor - Employees were directed to repair a leaking water pipe above energized light fixtures and receptacle boxes that were not designated for use in wet locations. The employer failed to employ the use of electrical protective equipment or lockout/tagout (safety-related work practices) to prevent indirect electrical contact with conductive surfaces of wet electrical equipment that could have been energized. Employees were exposed to electric shock, burns and electrocution.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$7000.00

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
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Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there are potential electrical hazards were not provided with or used electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed. Note: Personal protective equipment requirements are contained in subpart I of this part.

Employees were working near energized parts with potential electrical hazards while conducting maintenance on a water line above the kill floor and were not using electrical protective equipment.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$7000.00

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

29 CFR 1910.132(a): Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided, used, nor maintained in a sanitary and reliable condition wherever necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

Employees working over the kill floor were not protected from falling approximately 15 feet to the lower levels. The employer failed to ensure the use of personal fall arrest equipment where necessary to protect employees while in the process of performing maintenance.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$70000.00

U.S. Department of Labor
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Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

Citation 2 Item 2 a Type of Violation: **Willful - Serious**

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panel board enclosures in damp or wet locations were not installed so as to prevent moisture or water from entering and accumulating within the enclosures and were not mounted so there was at least 6.35-mm (0.25-in.) airspace between the enclosure and the wall or other supporting surface. The enclosures were not weatherproof in wet locations.

- a) Kill Floor - Electrical boxes and fittings were installed in damp and wet locations. Boxes allowed moisture and/or water to enter and accumulate. Fittings also allowed moisture and/or water to enter and accumulate on and around energized conductors. Employees who made inadvertent contact with the equipment and connected components were exposed to shock, burn and electrocution.
- b) Head Room - Electrical boxes and fittings were installed in damp and wet locations. Boxes allowed moisture and/or water to enter and accumulate. Fittings also allowed moisture and/or water to enter and accumulate on and around energized conductors. Employees who made inadvertent contact with the equipment and connected components were exposed to shock, burn and electrocution.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:
Proposed Penalty:

06/11/2012
\$70000.00

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

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

Citation 2 Item 2 b Type of Violation: **Willful - Serious**

29 CFR 1910.305(j)(1)(iv): Fixtures installed in wet or damp locations were not identified for the purpose and were not constructed or installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

Kill Floor - Five lighting fixtures, installed in this wet locations were not identified for use in wet locations and allowed water to enter and accumulate around energized conductors and parts contained within the fixtures. Employees who made inadvertent contact with the conductive surfaces of the fixtures and supporting structures were exposed to shock, burn and electrocution.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date by which Violation must be Abated:

06/11/2012

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

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Citation and Notification of Penalty

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the devices(s).

Boning Room - The lock used to lock out the skinner did not indicate the identity of the employee applying the lock.

ABATEMENT CERTIFICATION REQUIRED PER 29 CFR 1903.19(c)

Date by which Violation must be Abated:

06/14/2012

Proposed Penalty:

\$.00

A handwritten signature in cursive script, appearing to read "Kimberly A. Stille", written over a horizontal line.

Kimberly A. Stille
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
4802 E. Broadway,
Madison, WI 53716
Phone: 608-441-5388 Fax: 608-441-5400



INVOICE / DEBT COLLECTION NOTICE

Company Name: VPP Group, LLC
Inspection Site: 19087 Highway 71 East, Norwalk, WI 54648
Issuance Date: 06/07/2012

Summary of Penalties for Inspection Number	110344
Citation 1, Serious	\$46000.00
Citation 2, Willful – Serious	\$140000.00
Citation 3, Other-than-Serious	\$.00
TOTAL PROPOSED PENALTIES	\$186000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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 or conditions do not exist.

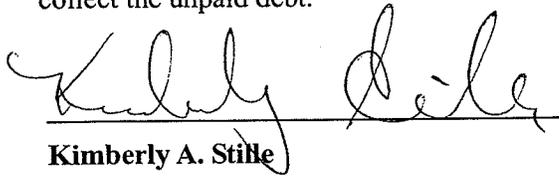
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.



Kimberly A. Stille
Area Director

6-7-12
Date