

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
299 Cherry Hill Road  
Suite 103  
Parsippany, NJ 07054  
Phone: 973-263-1003 Fax: 973-299-7161



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## Citation and Notification of Penalty

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**To:**  
Whitlock Packaging Corporation  
and its successors  
92 N. MAIN STREET  
Wharton, NJ 07885

**Inspection Number:** 1011410  
**Inspection Date(s):** 12/01/2014 - 05/05/2015  
**Issuance Date:** 05/29/2015

**Inspection Site:**  
92 North Main St  
Wharton, NJ 07885

*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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

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

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

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

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

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/29/2015. The conference will be held by telephone or at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1011410**

Company Name: Whitlock Packaging Corporation  
Inspection Site: 92 North Main St, Wharton, NJ 07885  
Issuance Date: 05/29/2015

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, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054**

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



**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to struck-by hazards.

a. 92 North Main Street, Wharton, NJ - Ingredients Cooler

Employees were exposed to struck-by hazards of collapsing racks of the metal storage racking system and their contents while the employees warehoused merchandise which included, but was not limited to 55 gallon drums of commercial flavorings. Commercial steel storage racks had bent or damaged stanchions.

Violation observed on or about January 15, 2014

Among methods, the following are feasible and acceptable means of abatement:

1. Adhere to the ANSI standard MH16.1-2008, and the Rack Manufacturers Institute specifications for anchoring storage racks and repair and/or replace racks with damaged components, paragraph 1.4.1 Owner Maintenance.
2. Adhere to ANSI Standard MH16.2-1984 Manual of Safety Practices: A Code of Safety Practices for the Use of Industrial and Commercial Steel Storage Racks, repair and/or replace racks with damaged components.
3. Adhere to the ANSI standard MH16.1-2008, and the Rack Manufacturers Institute specifications, paragraph 1.4.1 Owner Maintenance, (2) Regularly inspect for damage.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 06/26/2015  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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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 2 a** Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Open-sided floor(s) or platform(s) 4 feet (1.22 m) 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:

a. 92 North Main Street, Wharton, NJ - Electrical Storage Area

An open sided storage area used by the electricians was not protected by standard guardrails. Employees stored materials on a plywood platform that did not have guardrails to prevent employees falling approximately 12 feet through the ceiling tiles to the office area below.

Violation observed on or about January 15, 2015

Date By Which Violation Must be Abated:	06/19/2015
Proposed Penalty:	\$5500.00

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



**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition.

a. 92 North Main Street, Wharton, NJ - Electrical Storage Area

Employees stored materials on an open sided platform in a manner that was not neat and orderly. Electrician employees stored unshelved, oversize electrical equipment and other materials creating tripping and fall hazards.

Violation observed on or about January 15, 2015

Date By Which Violation Must be Abated:

06/19/2015





**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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

29 CFR 1910.36(e)(1): 29 CFR 1910.36(e)(1): A side-hinged door was not used to connect rooms to an exit route:

a. 92 North Main Street, Wharton, NJ - Ingredients Cooler

A side hinged emergency exit door was not provided for employees and temporary employees to egress the ingredients cooler where flammable ingredients were stored. Employees entered and exited the ingredients cooler through a single electrically motor operated roll-up door that closed as they entered the cooler.

Violation observed on or about January 15, 2015

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/26/2015  
\$5500.00



**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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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 4 a** Type of Violation: **Serious**

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

a. 92 North Main Street, Wharton, NJ - Blending Room

The employer did not ensure that egress route(s) to the northeast and southwest sides of the blending room were kept free and unobstructed. Egress routes for employees and temporary employees to the exit doors were permanently narrowed by blending machinery and pipes which protruded into the exit route, narrowing it to approximately 18-22 inches wide.

Violation observed on or about January 15, 2015

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/13/2015  
\$3300.00

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

Inspection Number: 1011410  
Inspection Date(s): 12/01/2014 - 05/05/2015  
Issuance Date: 05/29/2015



**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

a. 92 North Main Street, Wharton, NJ - Blending Room

The employer did not ensure the doors in the blending room on the north east and south west sides that were designated as an emergency exits were identified by signs reading "Exit" for employees and temporary employees.

Violation observed on or about January 15, 2015

Date By Which Violation Must be Abated:

06/12/2015

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:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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**Citation 1 Item 5** 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, in-going nip points, rotating parts, flying chips and sparks:

a. 92 North Main Street, Wharton, NJ - Maintenance Area

Machine guards were not utilized to protect the unused portion of the saw blade. Employees operating a metal band saw did not engage the adjustable blade guards to the width of the materials being cut, leaving an exposed area of the blade during operation.

Violation observed on or about January 15, 2015

b. 92 North Main Street, Wharton, NJ - Maintenance Area

Guards were not provided for the rotating parts of each drill press. The employer did not provide and install machine guards for the four drill press chucks.

Violation observed on or about January 15, 2015

c. 92 North Main Street, Wharton, NJ - Maintenance Area

Guards were not provided for the rotating parts of a metal lathe. The employer did not provide and install machine guards for chuck on the Okuma lathe.

Violation observed on or about January 15, 2015

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 06/19/2015

Proposed Penalty: \$7000.00

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



**Citation and Notification of Penalty**

**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch

a. 92 North Main Street, Wharton, NJ - Maintenance Area

Employees a Dayton Electric Manufacturing, Co. Bench Grinder that was missing the tongue guard on the abrasive wheel side of the grinder.

Violation occurred on or about January 15, 2015

b. 92 North Main Street, Wharton, NJ - Maintenance Area

Employees used a Jet Equipment & Tools, 8" Bench Grinder that was missing the tongue guard on the abrasive wheel side of the grinder. ¥ ¥ Violation occurred on or about January 15, 2015

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/05/2015
Proposed Penalty:	\$6600.00

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:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885

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

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent and the line of sight to an exit sign was not visible at all times:

a. 92 N. Main St., Wharton, NJ - Warehouse

The employer did not post signs indicating the direction of travel to the exits in the warehouse where line of sight to an exit was not maintained at all times and where the direction to the nearest exit was not immediately apparent to employees, sub-contractor employees, and temporary employees working in the warehouse.

Violation observed on or about December 1, 2014

Whitlock Packaging Corporation was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(b)(4), which was contained in OSHA inspection number 315465567, citation number 2, item number 1, and was affirmed as a final order on May 17, 2011, with respect to a workplace located at 92 N. Main St., Wharton, NJ 07885.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$44000.00

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

**Kris Hoffman**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
299 Cherry Hill Road  
Suite 103  
Parsippany, NJ 07054  
Phone: 973-263-1003 Fax: 973-299-7161



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Whitlock Packaging Corporation  
**Inspection Site:** 92 North Main St, Wharton, NJ 07885  
**Issuance Date:** 05/29/2015

<b>Summary of Penalties for Inspection Number</b>	<b>1011410</b>
<b>Citation 1, Serious</b>	<b>\$34900.00</b>
<b>Citation 2, Repeat</b>	<b>\$44000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$78900.00</b>

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

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

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

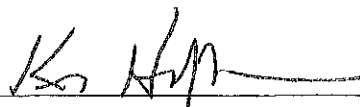
account, the bank will attempt to make the transfer up to 2 times.

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

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

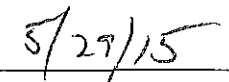
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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

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



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**Kris Hoffman**  
Area Director



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Date