

## U.S. Department of Labor

Occupational Safety and Health Administration  
660 White Plains Rd  
4th Floor  
Tarrytown, NY 10591  
Phone: 914-524-7510 Fax: 914-524-7515



## Citation and Notification of Penalty

**To:**

Zaro Bake Shop, Inc.  
138 Bruckner Blvd.  
Bronx, NY 10454

**ATTENTION: MICHAEL ZARO, President**

**Inspection Number:** 385522

**Inspection Date(s):** 04/13/2012 - 07/10/2012

**Issuance Date:** 10/11/2012

**Inspection Site:**

138 Bruckner Blvd.  
Bronx, NY 10454

*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, 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 10/11/2012. The conference will be held at the OSHA office located at 660 White Plains Rd, 4th Floor, Tarrytown, NY 10591 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 385522**

Company Name: Zaro Bake Shop, Inc.  
Inspection Site: 138 Bruckner Blvd., Bronx, NY 10454  
Issuance Date: 10/11/2012

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, 660 White Plains Rd, 4th Floor, Tarrytown, NY 10591**

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:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**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 were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of being struck by falling materials:

Location: Storage room

On or about 4/13/12,  
a) Employees were exposed to the hazard of being struck by falling parts of the ceiling in the storage room.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow Section 305.1 of the International Code Council's 2010 Property Maintenance Code of New York which states "The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition."

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**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:

Location: Entrance platform adjacent to compactor

On or about 4/13/12,

a) A midrail was missing at the edge of the platform located next to the compacting machine. The platform was 4 feet above the adjacent floor.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

11/10/2012

Proposed Penalty:

\$3000.00

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:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

29 CFR 1910.23(d)(1)(iv): Stairways that were more than 44 inches wide but less than 88 inches wide were not provided with one handrail on each enclosed side and one stair railing on each open side:

Location: Bruckner Blvd side of the building leading to the office space on the 2nd floor

On or about 4/13/12,

- a) An internal stairway leading from the 1st floor to the 2nd floor office consisting of several flights of stairs that were 46.5 inches wide was not provided with handrails on any of its flights.
- b) Two stairways leading from the 2nd floor office to the outside sidewalk one floor below that had stairs that were 48 inches wide and 56.5 inches wide were not provided with handrails.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	11/10/2012
Proposed Penalty:	\$4000.00

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

**Inspection Number:** 385522  
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**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge;

Location: Bruckner Blvd side of the building

On or about 4/13/12,

a) Three exits were locked on the Bruckner Blvd. side of the building.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
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**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

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

Location: 138 Bruckner Blvd. Bronx NY 10454

On or about 4/13/12,

a) Stock was stored in an exit route that led from the production area to an exit door located on the Bruckner Blvd. side of the building.

b) A copy machine in the office space on the 2nd floor, was blocking the door that led to an exit route stairway.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

29 CFR 1910.37(a)(4): Safeguard(s) designed to protect employees during an emergency (e.g., sprinkler systems, alarm systems, fire doors, exit lighting), were not in proper working order at all times:

Location: 138 Bruckner Blvd. Bronx NY 10454

On or about 4/13/12,

a) Emergency exit lighting above the door leading from the production area to the Bruckner Blvd. exit route that had a glass exit door, was not in working order.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3000.00

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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**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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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 7 a** Type of Violation: **Serious**

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

Location: Office space area

On or about 4/13/12,  
a) The door that led from the office space area to a stairway that led down to Bruckner Blvd. was not marked with an exit sign.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	10/16/2012
Proposed Penalty:	\$5000.00

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

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

29 CFR 1910.37(b)(6): Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

Location: Bruckner Blvd. side of building

On or about 4/13/12,

a) Three exits signs did not have functioning lights. They were for the the three exits located on the Bruckner Blvd. side of the building.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:

Corrected During Inspection

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:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

Location: 138 Bruckner Blvd. Bronx NY 10454

On or about 4/13/12,

a) The employer did not have an energy control program. Employees maintain and service some of the equipment themselves including but not limited to mixers, compressors and conveyors.

NOTE: The employer is required to submit abatement certification and documentation for this item in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/10/2012
Proposed Penalty:	\$7000.00

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

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:

Location: 138 Bruckner Blvd. Bronx NY 10454

On or about 4/13/12,

a) The employer did not develop, document and utilize procedures for the control of hazardous energy to protect employees while servicing and maintaining equipment including but not limited to mixers, compressors and conveyors.

NOTE: The employer is required to submit abatement certification and documentation for this item in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/10/2012

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:** 385522  
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**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

Location: 138 Bruckner Blvd. Bronx NY 10454

On or about 4/13/12,

a) The employer did not provide devices for isolating machines or equipment from energy sources. Employees performed servicing and maintenance on the equipment including but not limited to mixers, compressors and conveyors.

NOTE: The employer is required to submit abatement certification and documentation for this item in accordance with 29 CFR 1903.19.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

11/10/2012

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:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
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**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not taken out of service, and/or repairs were not made by authorized personnel:

Location: 138 Bruckner Blvd. Bronx NY 10454, Storage area

On or about 4/13/12,

a) A rear access cover was missing from a Clark forklift truck and the horn was not functioning.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 10** 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):

Location: Mixing area

On or about 4/13/12,

a) A vertical mixer was not provided with adequate guarding to prevent employees from coming into contact with the points of operation of the mixer.

Location: Near back entrance

b) A baler with a damaged door could operate with the door open allowing employee(s) to come into contact with the point of operation during the baler's machine cycle.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/10/2012  
\$5000.00

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

**Inspection Number:** 385522  
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**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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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 11 a      Type of Violation: **Serious**

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch:

Location: Compressor room

On or about 4/13/12,

a) The workrest on a Delta grinder was not adjusted within 1/8" of the abrasive wheel.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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**U.S. Department of Labor**  
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**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
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Citation 1 Item 11 b      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:

Location: Compressor room

On or about 4/13/12,

a) The tongue guard on a Delta grinder was not adjusted within 1/4" of the abrasive wheel.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:

Corrected During Inspection

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**Company Name:** Zaro Bake Shop, Inc.  
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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

Location: Room adjacent to compressor room

On or about 4/13/12,

a) Compressed air used for cleaning was operated at approximately 120 p.s.i.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4000.00

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**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.303(b)(7)(i): Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings were not effectively closed to afford protection substantially equivalent to the wall of the equipment:

Location: Hallway containing several circuit breaker panels

On or about 4/13/12,

a) A circuit breaker panel had three unused openings in it where blanks or circuit breakers would be installed.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

Location: Hallway containing several circuit breaker panels

On or about 4/13/12,

a) Six circuit breaker panels had several circuit breakers in each of them that were not marked.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4000.00

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**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 15 Type of Violation: **Serious****

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by Subpart S of Part 1910, live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

Location: Below internal stairway leading to the 2nd floor office

On or about 4/13/12,

a) A cover was missing from the inside of a circuit breaker panel.

Location: Hallway containing several circuit breaker panels

b) A cover was missing from the inside of a circuit breaker panel.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

11/26/2012

Proposed Penalty:

\$5000.00

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

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.304(a)(2): Grounded conductors were attached to terminals or leads so as to reverse designated polarity:

Location: 138 Bruckner Blvd. Bronx NY 10454, throughout the facility

On or about 4/13/12,

a) Numerous receptacles throughout the facility were wired such that their polarity was reversed.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 17** Type of Violation: **Serious**

29 CFR 1910.304(f)(1)(iv): Overcurrent devices for circuits rated 600 volts, nominal, or less, were not readily accessible to each employee or authorized building management personnel:

Location: Hallway containing several circuit breaker panels

On or about 4/13/12,

a) Six circuit breaker panels were blocked by rolling racks.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3000.00

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 18** Type of Violation: **Serious**

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

Location: Factory area used for processing equipment

On or about 4/13/12,

a) Two receptacles were found to have open grounds.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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**Citation 1 Item 19** 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:

Location: Lunch room

On or about 4/13/12,  
a) A junction box in the lunch room was missing a cover.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$4000.00

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

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

**Inspection Number:** 385522  
**Inspection Date(s):** 04/13/2012 - 07/10/2012  
**Issuance Date:** 10/11/2012



**Citation and Notification of Penalty**

**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

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Citation 1 Item 20 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(B): Flexible cords and cables were run through holes in walls, ceilings, or floors:

Location: Five locations in the production area

On or about 4/13/12,

a) Five flexible electrical cords were run through holes in ceiling tiles.

NOTE: The employer is required to submit abatement certification for this item in accordance with 29 CFR 1903.19.

Date By Which Violation Must be Abated:

11/10/2012

Proposed Penalty:

\$4000.00

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:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454

**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

Location: 138 Bruckner Blvd. Bronx NY 10454

On or about 4/13/12,

a) A portable fire extinguisher, located near the bottom of the stairway that office employees normally used, was last inspected in September of 2009.

NOTE: Because abatement of this violation is already documented in the inspection case file, the employer need not submit certification or documentation of abatement for this violation as normally required by 29 CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

A handwritten signature in cursive script, appearing to read "Kevin Sullivan".

Handwritten initials, possibly "DC", written in a stylized, slanted font.

**Diana Cortez**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
660 White Plains Rd  
4th Floor  
Tarrytown, NY 10591  
Phone: 914-524-7510 Fax: 914-524-7515



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Zaro Bake Shop, Inc.  
**Inspection Site:** 138 Bruckner Blvd., Bronx, NY 10454  
**Issuance Date:** 10/11/2012

<b>Summary of Penalties for Inspection Number</b>	<b>385522</b>
<b>Citation 1, Serious</b>	<b>\$93000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$ .00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$93000.00</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.

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.

  
for Diana Cortez  
Area Director

10/11/2012  
Date