

U.S. Department of Labor

Occupational Safety and Health Administration
8344 East R.L. Thornton Frwy.
Suite 420
Dallas, TX 75228
Phone: (214)320-2400 FAX: (214)320-2598



Citation and Notification of Penalty

To:
Bridgford Foods Corporation
and its successors
1707 South Good Latimer Expressway
Dallas, TX 75315

Inspection Number: 314182577
Inspection Date(s): 04/29/2011- 10/20/2011
Issuance Date: 10/27/2011

Inspection Site:
1601 South Good Latimer Expressway
Dallas, TX 75315

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. 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 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. 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 violations which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

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

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

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

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 your inspection will be available 30 calendar days after the Citation Issuance Date. 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 10/27/2011. The conference will be held at the OSHA office located at 8344 East R.L. Thornton Frwy., Suite 420, Dallas, TX, 75228 on _____ at _____.

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

ABATEMENT CERTIFICATION

STEPHEN BOYD, Area Director
U.S. Department of Labor - OSHA
8344 East R.L. Thornton Frwy.
Suite 420
Dallas, TX 75228
Phone: (214)320-2400

Bridgford Foods Corporation
1707 South Good Latimer Expressway
Dallas, TX 75315

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by way of _____.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name



Citation and Notification of Penalty

Company Name: Bridgford Foods Corporation
Inspection Site: 1601 South Good Latimer Expressway, Dallas, TX 75315

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

The employer does not provide a medical evaluation to determine the employee's ability to use a respirator. This violation was discovered on or about May 4, 2011, in the dough blending room, where employees wearing respirators during blending operations had not been medically evaluated to determine their fitness to wear the respirators.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a medical evaluation is provided to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace.

Date By Which Violation Must be Abated:	11/22/2011
Proposed Penalty:	\$ 4400.00

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: Bridgford Foods Corporation
Inspection Site: 1601 South Good Latimer Expressway, Dallas, TX 75315

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1910.95(g)(1): An audiometric testing program was not established and maintained for all employees whose noise exposure equaled or exceeded an 8 hour time weighted average of 85 dBA:

The employer does not establish and maintain an audiometric testing program for all employees whose noise exposures equal or exceed an 8-hour time weighted average (TWA) of 85 dBA. This violation occurred on May 4, 2011, when the employer had not established an audiometric testing program for employees whose noise exposure equaled or exceeded an 8-hour TWA of 85 dBA:

- a) In the roll packing department, a triangle operator was exposed to continuous noise levels at 130.9% of the permissible 8-hour TWA sound level. The equivalent dBA level of 130.9% is approximately 91.9 dBA. Sampling was performed for 488 minutes during one shift.
- b) In the roll packing department, a roll packer was exposed to continuous noise levels at 112.4% of the permissible 8-hour TWA sound level. The equivalent dBA level of 112.4% is approximately 90.8 dBA. Sampling was performed for 484 minutes during one shift.

BRIDGFORD FOODS WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, 29 CFR 1910.95(g)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313936288, CITATION NUMBER 2, ITEM NUMBER 1, ISSUED ON SEPTEMBER 12, 2010, AND AFFIRMED AS A FINAL ORDER ON SEPTEMBER 30, 2010, WITH RESPECT TO A WORKPLACE LOCATED AT 170 NORTH GREEN STREET, CHICAGO, ILLINOIS 60607, AND WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311369631, CITATION NUMBER 1, ITEM NUMBER 1a, ISSUED ON JANUARY 4, 2008, AND AFFIRMED AS A FINAL ORDER ON FEBRUARY 6, 2008, WITH RESPECT TO A WORKPLACE LOCATED AT 170 NORTH GREEN STREET, CHICAGO, ILLINOIS 60607.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that an audiometric testing program is established and maintained.

Date By Which Violation Must be Abated:	11/22/2011
Proposed Penalty:	\$ 55000.00

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: Bridgford Foods Corporation
Inspection Site: 1601 South Good Latimer Expressway, Dallas, TX 75315

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

29 CFR 1910.95(k)(1): A training program was not instituted for all employees who were exposed to noise at or above an 8 hour time weighted average of 85 dBA:

The employer does not institute a training program for all employees who are exposed to noise at or above an 8-hour time weighted average (TWA) of 85 dBA. This violation occurred on May 4, 2011, when employees exposed to noise above an 8-hour TWA of 85 dBA had not been trained on the effects of noise on hearing; the purpose of hearing protectors; instructions on selection, fitting, use, and care of hearing protectors; and the purpose and explanation of audiometric testing:

- a) In the roll packing department, a triangle operator was exposed to continuous noise levels at 130.9% of the permissible 8-hour TWA sound level. The equivalent dBA level of 130.9% is approximately 91.9 dBA. Sampling was performed for 488 minutes during one shift.
- b) In the roll packing department, a roll packer was exposed to continuous noise levels at 112.4% of the permissible 8-hour TWA sound level. The equivalent dBA level of 112.4% is approximately 90.8 dBA. Sampling was performed for 484 minutes during one shift.

BRIDGFORD FOODS WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, 29 CFR 1910.95(k)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313936288, CITATION NUMBER 2, ITEM NUMBER 2, ISSUED ON SEPTEMBER 12, 2010, AND AFFIRMED AS A FINAL ORDER ON SEPTEMBER 30, 2010, WITH RESPECT TO A WORKPLACE LOCATED AT 170 NORTH GREEN STREET, CHICAGO, ILLINOIS 60607; AND WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311369631, CITATION NUMBER 1, ITEM NUMBER 1b, ISSUED ON JANUARY 4, 2008, AND AFFIRMED AS A FINAL ORDER ON FEBRUARY 6, 2008, WITH RESPECT TO A WORKPLACE LOCATED AT 170 NORTH GREEN STREET, CHICAGO, ILLINOIS 60607.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a training program is instituted for all employees who are exposed to noise at or above an 8-hour TWA of 85 dBA.

Date By Which Violation Must be Abated:	11/22/2011
Proposed Penalty:	\$ 55000.00

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

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: Bridgford Foods Corporation
Inspection Site: 1601 South Good Latimer Expressway, Dallas, TX 75315

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

29 CFR 1910.95(1)(1): A copy of 29 CFR 1910.95 was not made available to affected employees or their representatives and posted in the workplace:

The employer does not post a copy of 29 CFR 1910.95. This violation occurred on or about May 4, 2011, when employees were exposed to noise above an 8-hour time weighted average of 85 dBA and the employer had not posted a copy of 29 CFR 1910.95 in the workplace.

Pursuant to 29 C.F.R. 1903.19, within ten (10) calendar days of the abatement date, the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that a copy of 29 CFR 1910.95 is available to affected employees or their representatives and posted in the workplace.

Date By Which Violation Must be Abated:	11/04/2011
Proposed Penalty:	\$ 1100.00

STEPHEN BOYD
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8344 East R.L. Thornton Frwy.
Suite 420
Dallas, TX 75228
Phone: (214)320-2400 FAX: (214)320-2598



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Bridgford Foods Corporation
Inspection Site: 1601 South Good Latimer Expressway, Dallas, TX 75315
Issuance Date: 10/27/2011

Summary of Penalties for Inspection Number 314182577

Citation 1, Serious	= \$	4400.00
Citation 2, Repeat	= \$	110000.00
Citation 3, Other	= \$	1100.00
TOTAL PROPOSED PENALTIES	= \$	115500.00

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 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.

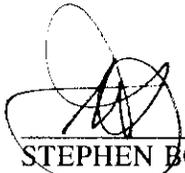
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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



STEPHEN BOYD
Area Director

October 27, 2011
Date
