

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



Citation and Notification of Penalty

To:
7s Packing LLC, dba Texas Packing Company
and its successors
1809 N Bell St.
San Angelo, TX 76903

Inspection Number: 1358712
Inspection Date(s): 11/06/2018 - 02/22/2019
Issuance Date: 05/01/2019

Inspection Site:
1809 N Bell St.
San Angelo, TX 76903

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 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 by calling 512-374-0271. 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. 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. If you have any dispute with the accuracy of the information displayed, please contact this office.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/01/2019. The conference will be held by telephone or at the OSHA office located at 1033 La Posada, Suite 375, Austin, TX 78752 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1358712

Company Name: 7s Packing LLC, dba Texas Packing Company
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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, 1033 La Posada, Suite 375, Austin, TX 78752**

Citation Number 1 Item Number 1 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 2 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 3 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 4 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 5 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 6 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 7 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 8 was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 9a was corrected on _____

By (Method of Abatement):

Citation Number 1 Item Number 9b was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 1 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 2 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 3 was corrected on _____

By (Method of Abatement):

Citation Number 2 Item Number 4 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

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Citation and Notification of Penalty

Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.22(a)(3): Walking-working surfaces were not maintained free of hazards such as sharp or protruding objects, loose boards, corrosion, leaks, spills, snow, and ice:

On or about November 8, 2018, protruding pipes are installed through the steps of the exterior stairway where employees are accessing the roof to perform maintenance, inspections and other activities, exposing employees to a fall hazard of approximately 20 feet to the ground below.

Date By Which Violation Must be Abated:
Proposed Penalty:

05/21/2019
\$9472.00

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Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 2 . Type of Violation: **Serious**

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: Guardrail systems, safety net systems, or personal fall arrest systems:

On or about November 8, 2018, employees performing maintenance, inspections and other activities on the roof are not provided fall protection, exposing the employees to a fall hazard up to approximately 25 feet.

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

29 CFR 1910.119(c)(1): The employer did not develop a written plan of action regarding the implementation of the employee participation required by this paragraph:

On or about November 8, 2018, and times prior there to, the employer failed to consult with employees on the development of process hazard analyses and elements of process safety management. The employer uses over 10,000 pounds of anhydrous ammonia as refrigerant for the freezers and to cool the processing floor. Employee(s) exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

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

29 CFR 1910.119(g)(1)(i): The employer did not train each employee before being involved in operating a newly assigned process in the operating procedures as specified in paragraph (f) of this section:

On or about November 8, 2018, and at times prior thereto, the employer did not ensure employees were trained in procedures for normal operations, emergency operations and consequence of deviations. The employer uses over 10,000 lbs of anhydrous ammonia for refrigerant for the freezers and cooling the processing floor. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.119(n): Emergency planning and response. The employer did not establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38. In addition, the emergency action plan did not include procedures for handling small releases.

On or about November 8, 2018, and at times prior thereto, the employer did not ensure the emergency action plan addressed procedures for an anhydrous ammonia release. The employer uses over 10,000lbs of anhydrous ammonia for refrigerant for the freezers and cooling the processing floor. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire. The plan did not address elements such as, but not limited to:

1. Definition of a small release and protocols for responding to a small releases.
2. Evacuation procedures and mustering/gathering points in the event of an anhydrous ammonia release.
3. Wind sock references to assist in assessing wind flow directions for evacuation routes if necessary.
4. Functional and visible wind socks to indicated wind direction in the event of an anhydrous ammonia release.

*February 16, 2019, on the roof, a valve gasket failed on the evaporator (EV-12) and approximately 50 lbs of anhydrous ammonia was released.

*January 28, 2019; in engine/machinery room, a seal on the purger went bad releasing trace amounts of ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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

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Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 6 Type of Violation: **Serious**

9 CFR 1910.134(c)(1): The employer did not establish and implement a written respiratory protection program with worksite-specific procedures in any workplace where respirators were necessary to protect the health of the employee or whenever respirators were required by the employer.

On or about November 8, 2018, and at times prior thereto, the employer did not ensure that a written respirator program was implemented. Employees are required to wear 3M full-face respirators when maintaining the anhydrous ammonia refrigeration system. The employer has approximately 16,500 lbs of anhydrous ammonia on site. Employee(s) are exposed to an anhydrous ammonia inhalation hazard.

- (i)-Procedures for selecting respirators for use in the workplace;
- (ii)-Medical evaluations of employees required to use respirators;
- (iii)-Fit testing procedures for tight-fitting respirators;
- (iv)-Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- (v)-Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respirators;
- (vi)-Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- (vii)-Training of employees in the proper use of respirators, including putting on and removing the, any limitations on their use, and their maintenance; and
- (viii)-Procedures for regularly evaluating the effectiveness of the program.

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Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 7 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:

On or about November 8, 2018, and at times prior thereto, the employer failed to ensure energy control procedures were developed for the compressors in the engine/machinery room. The compressors contain hazardous chemicals (anhydrous ammonia) and electrical energy. Employee(s) were exposed to hazards such as, but not limited to electric shock and inhalation of anhydrous ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

On or about November 8, 2018 and at times prior thereto, the number two (#2) Mycom compressor was torn apart and locks were not affixed to the two valves isolating the compressor from the system. Employees were exposed to an inhalation, burn and fire hazards from an anhydrous ammonia release.

Date By Which Violation Must be Abated:
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~~Corrected During Inspection~~
\$9472.00

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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 9 a Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

On or about November 7, 2018, in the engine room, the rotating pulleys on the compressors were not guarded. Employee(s) exposed to a caught-in hazard from the rotating pulley on the compressors.

1. Compressor #1, Vilter compressor R33740, the rotating pulley was not guarded. The guard was missing on the back.
2. Compressor #3, Mycom compressor the rotating pulley was not guarded. The guard was missing on the back.

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Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

On or about November 7, 2018, in the engine room, the rotating belts on the compressors were not guarded. Employee(s) exposed to a caught-in hazard from the rotating belts on the compressors.

1. Compressor #1, Vilter compressor R33740, the rotating belts were not guarded. The guard was missing on the back.
2. Compressor #3, Mycom compressor the rotating belts were not guarded. The guard was missing on the back.

Date By Which Violation Must be Abated:

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Citation and Notification of Penalty

Company Name: 7s Packing LLC, dba Texas Packing Company
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Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.119(d): The employer did not complete a compilation of written process safety information, including information pertaining to the hazards of the highly hazardous chemicals used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process before conducting the process hazard analysis:

- a) On or about November 8, 2018, and at times prior thereto, the employer failed to have a maximum inventory of the quantity of anhydrous ammonia in the system. The refrigeration system contains approximately 16,500 pounds of anhydrous ammonia for refrigerant for the freezers and to cool the processing floor. The employer presented an intended inventory of 9,867 pounds. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.
- b) On or about November 8, 2018 and at times prior thereto, the employer failed to ensure piping and instrument diagrams (P&ID) were updated and correct. The P&ID's were not updated and did not show the isolation valves for the #2 compressor was taken off line. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.
- c) On or about November 8, 2018 and at times prior thereto, the employer failed to ensure they maintained a current listing and function for the pressure relief valves. The employer uses over 10,000 pounds of anhydrous ammonia for refrigerant for the freezers and to cool the processing floor. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns and fire.
- d) On or about November 8, 2018, and at times prior thereto, the employer failed to ensure the anhydrous ammonia receiver (V0-1) was protected from being struck by vehicles and/or equipment in accordance with Recognized and Generally Good Engineering Practices (RAGAGEP), such as but not limited to, the guidance set forth in International Institute of Ammonia Refrigeration IIR 2, 2014, Section 7.2.4. Employee(s) are exposed to an unexpected release of anhydrous ammonia.
- e) On or about November 8, 2018, and at times prior thereto, the employer failed to document the king valve was visibly labeled and was accessible in accordance with Recognized and Generally Accepted



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Good Engineering Practices (RAGAGEP), such as but not limited to, the guidance set forth International Institute of Ammonia Refrigeration IIR Bulletin 109. Employee(s) are exposed to the delay of isolating the ammonia at the receiver in the event of an incident.

f) On or about November 8, 2018, and at times prior thereto, the employer failed to document the machinery room as a hazardous (Classified) Location (of not less than a Class 1, Division 2) in accordance with Recognized and Generally Accepted Good Engineering Practices (RAGAGEP), such as but not limited to, IIR 2, 2014, Section 6.8. The employer uses over 10,000 pounds of the anhydrous ammonia for refrigerant for the freezers and to cool the processing floor. Employee(s) are exposed to an unexpected release of anhydrous ammonia.

g) On or about November 8, 2018, and at times prior thereto, the employer failed to document that there was a least one calibrated and operating anhydrous ammonia detector in the machinery room that would activate an alarm and mechanical ventilation in accordance with RAGAGEP, such as, but not limited to IIR 2, 2014, Section 6.13 and 6.14 Standard for Safety Design of Closed-Circuit Ammonia Refrigeration Systems. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

h) On or about November 8, 2018, and at times prior thereto, the employer failed to document there were working visual and audible alarms inside the engine room and outside each entrance to the engine room in accordance with Recognized and Generally Accepted Good Engineering Practices (RAGAGEP), such as but not limited to, the guidance set forth in IIR 2, 2014, Section 6.13 and Section 17. Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration Systems. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

i) On or about November 8, 2018, and at times prior thereto, the employer failed to document that in the event of a release the system was being monitored with a continual oversight to a responsible party in accordance with Recognized and Generally Accepted Good Engineering Practices (RAGAGEP), such as but not limited to, the guidance set forth in IIR 2, 2014, Section 17, Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration Systems. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

j) On or about November 8, 2018, and at times prior thereto, the employer did not document that they

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complied with Recognized and Generally Good Engineering Practices (RAGAGEP), such as IIAR 2, 2014, Section 6.4, Equipment, Design, and Installation of Closed-Circuit Ammonia Mechanical Refrigeration Systems, when the employer failed to ensure that flammable and combustible materials such as miscellaneous wood items were not stored in the machinery room. This condition exposed employee(s) to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

k) On or about November 8, 2018, and at time prior thereto, the employer did not ensure material and energy balances were provided for the process. The employer uses over 10,000 pounds of the anhydrous ammonia for refrigerant for the freezers and to cool the processing floor. One onsite document stated the system contained about 12,788 pounds of anhydrous ammonia, the employer stated the system contained about 9,867 pounds of anhydrous ammonia. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

l) On or about November 8, 2018, and times prior thereto, the employer did not develop a process flow diagram for the process. The employer uses over 10,000 pounds of the anhydrous ammonia for refrigerant for the freezers and to cool the processing floor. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
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05/21/2019
\$132598.00

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

29 CFR 1910.119(e)(1): The employer did not perform an initial process hazard analysis (hazard evaluation) on processes covered by 29 CFR 1910.119:

On or about November 8, 2018, the employer failed to perform an initial process hazard analysis in order to identify, evaluate and control the hazards involved in the operation of the ammonia refrigeration system located at the 7S Packing facility. The process hazard must address the following:

- the identification of any previous incident which had a likely potential for catastrophic consequences in the workplace;
- engineering and administrative controls applicable to the hazards and their interrelationship such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrument with alarms, and detection hardware such as anhydrous ammonia sensors);
- consequences of failure of engineering and administrative controls;
- facility siting;
- human factors and a qualitative evaluation of a range of the possible safety and health effects of failure of controls on employees in the workplace.

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

29 CFR 1910.119(f)(1): The employer did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and addressing at least steps for each operating phase, safe operating limits, safety and health considerations, and safety systems and their functions as outlined by this paragraph:

On or about November 8, 2018, the employer did not develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in the operation of the ammonia refrigeration system present at the 7S Packing facility, consistent with the process safety information and addressing at least the following elements:

- Initial startup;
- Normal operations;
- Temporary operations;
- Emergency shutdown including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner;
- Emergency Operations;
- Normal shutdown;
- Startup following a turnaround, or after an emergency shutdown;
- Operating limits;
- Consequences of deviation;
- Steps required to correct or avoid deviation;
- Safety and health considerations.

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

Inspection Number: 1358712
Inspection Date(s): 11/06/2018 - 02/22/2019
Issuance Date: 05/01/2019



Citation and Notification of Penalty

Company Name: 7s Packing LLC, dba Texas Packing Company
Inspection Site: 1809 N Bell St., San Angelo, TX 76903

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/21/2019
\$132598.00

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Citation 2 Item 4 Type of Violation: **Willful**

29-CFR 1910.119(j)(2): The employer did not establish written procedures to maintain the on-going integrity of process equipment:

On or about November 8, 2018, at and times prior thereto, the employer did not ensure that written procedures to maintain the integrity of the process equipment were put in place. The employer uses over 10,000 pounds of anhydrous ammonia for refrigerant for the freezers and cooling the processing floor. Employee(s) are exposed to the hazards associated with anhydrous ammonia such as asphyxiation, chemical burns, and fire.

The employer did not establish and implement written procedures to maintain the mechanical integrity of equipment such as, but not limited to:

1. Vessels.
2. Piping.
3. Compressors and pumps.
4. Pressure relief devices.
5. Process instrumentation and controls including, but not limited to, monitoring devices and sensors, alarms, interlocks, emergency shutdown systems.
6. Critical equipment to ensure that proper spare parts and/or spare equipment were available.
7. Air Handling Equipment.
8. High and Low pressure/temperature receiver recirculators.
9. Autopurger.

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

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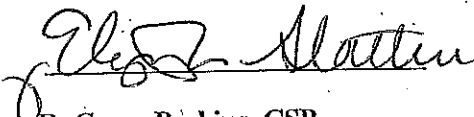
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R. Casey Perkins, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1033 La Posada
Suite 375
Austin, TX 78752



INVOICE / DEBT COLLECTION NOTICE

Company Name: 7s Packing LLC, dba Texas Packing Company
Inspection Site: 1809 N Bell St., San Angelo, TX 76903
Issuance Date: 05/01/2019

Summary of Penalties for Inspection Number	1358712
Citation 1, Serious	\$85248.00
Citation 2, Willful	\$530392.00
TOTAL PROPOSED PENALTIES	\$615640.00

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. You can also make your payment electronically on 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.



R. Casey Perkins, CSP
Area Director

5-1-2019

Date