

**Alaska Department of Labor and
Workforce Development**

Occupational Safety and Health

1251 Muldoon Road

Suite 109

Anchorage, AK 99504

Phone: (907) 269-4940 Fax: (907) 269-4950



**INVOICE/
DEBT COLLECTION NOTICE**

Company Name: TRIDENT SEAFOODS CORPORATION

Inspection Site: 73 Trident Way Akutan, AK 99553

Issuance Date: 04/26/2019

Summary of Penalties for Inspection Number: 1368392

Citation 1 Item 1, Repeat-Serious	\$64670.00
Citation 1 Item 2, Repeat-Serious	\$129336.00
Citation 1 Item 3, Serious	\$12093.00
Citation 1 Item 4a, Serious	\$10279.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5, Serious	\$12934.00
Citation 1 Item 6, Serious	\$8130.00
Citation 1 Item 7, Serious	\$6652.00
Citation 1 Item 8, Serious	\$10162.00
Citation 1 Item 9, Serious	\$6097.00
Citation 2 Item 1, Repeat-Other	\$10370.00
Citation 2 Item 2, Other-than-Serious	\$0.00
Citation 2 Item 3, Other-than-Serious	\$0.00
Citation 2 Item 4, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES:

\$270723.00

To avoid additional charges, please remit payment promptly for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "**State of Alaska**". Please send the remittance to the address listed above and indicate AKOSH's Inspection Number (indicated above) on the remittance. Return this form along with your remittance.

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

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, the amount due will be turned over to the current state contracted collection agency for collection nationwide.

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.

Ronald Larsen

Assistant Chief of Enforcement, AKOSH

Date

Alaska Department of Labor and

Workforce Development

Occupational Safety and Health

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Citations and Notification of Penalty

To: TRIDENT SEAFOODS CORPORATION
and its successors
5303 SHILSHOLE AVE. NW
Seattle, WA 98107

Inspection Number: 1368392
Inspection Date(s): 12/27/2018-01/24/2019
Issuance Date: 04/26/2019

Inspection Site:
73 Trident Way
Akutan, AK 99553

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 alleged violations of the Alaska's occupational safety and health laws (AS 18.60.010 - AS 18.60.105) and adopted standards under the Occupational Safety and Health Act of 1970. Each alleged violation has a designated penalty outlined in the citation. Please refer to the enclosed form – *Employer Responsibilities Following an AKOSH Inspection* for additional details.

Hazards Correction/Abatement – Each alleged violation must be abated immediately to reduce the risk of an accident. You must provide proof (photos, statements, receipts, work orders, sampling results, etc.) to demonstrate that the alleged violations have been abated by the dates listed in the citation. If you file a formal notice of contest, you are not

required to provide proof of abatement, but you are nevertheless required to correct hazardous conditions and provide a workplace that is free from recognized hazards.

Posting - The law (AS 18.60.091 (b)) 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 alleged violation(s). Posting is required until the alleged violations have been abated or for five working days (excluding weekends and state holidays), whichever is longer. If it is not practical to post at the worksite, due to the nature of the employer's operations, it should be posted where it can be seen by all affected employees.

Informal Conference - You may request an informal conference to discuss the alleged violations, abatement issues and associated penalties. During the informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies). **Should you decide that you want to request an informal conference, you must submit a written request. This request must be received by AKOSH (either by mail or fax at (907) 269-4950) during the contest period.** This period extends 15 working days from the date of your receipt of this Citation.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, **you make the request immediately. If you wait too long, there may not be enough time to conduct the informal conference prior to the expiration of the 15 working day contest period. (See “Right to Contest” below.)**

If you decide to request an informal conference, you must complete and post the attached *Notice to Employees of Informal Conference* next to the 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, it may be possible to enter into an informal settlement agreement to resolve this matter without litigation or contest.

Right to Contest - You have the right to formally 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. **By law, an employer has only 15 working days (excluding weekends and state holidays) from the date citations were received to file a written notice of contest. Failure to meet this deadline will result in the alleged violations and penalties becoming a final order that is not subject to review by any court (see AS 18.60.093(a)).**

Penalty Payment – Penalties are due within 30 calendar days of receipt of this notification, unless informally settled under alternate terms or formally contested. Make your check or money order payable to “State of Alaska”. Please indicate the AKOSH Inspection Number on the check.

AKOSH 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.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under AS 18.60.010 – AS 18.60.105 or the OSH Act of 1970. An employee who believes that he/she has been discriminated against may file a complaint within 30 days after the discrimination occurred.

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 Alaska Department of Labor Office at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Alaska Department of Labor and
Workforce Development**



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with AKOSH to discuss the Citation(s) issued on 04/26/2019. The conference will be held at the AKOSH office located at 1251 Muldoon Road, Suite 109 Anchorage, AK 99504 on _____ at _____.

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

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

29 CFR 1910.147(a)(2)(i):

147 The control of hazardous energy (lockout/tagout)

(a) Scope, application, and purpose-

(2) Application

(I) This standard applies to the control of energy during servicing and/or maintenance of machines and equipment.

Example: Employees are exposed to amputation hazards such as pinch points, and point of operation hazards as a result of the employer failure to ensure that all machines are de-energized, locked out and tagged out before servicing and/or maintenance of the machine. On 1/10/2019 without de-energizing the machine, an employee had his fingertip amputated when he reached into a conveyor motor compartment.

Trident Seafoods was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.147(c)(4)(ii)[B] which was contained in OSHA inspection number 1345356, citation number 1, item number 2 and was affirmed as a final order on 11/7/2018 with respect to a workplace located at 111 Marine Way, Kodiak, AK 99615.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$64670.00

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

29 CFR 1910.219(f)(3):

219 Mechanical power-transmission apparatus

(f) Gears, sprockets, and chains-

(3) Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets.

EXAMPLE: Employees are exposed to amputation hazards such as in-going nip points, pinch points, and point of operation hazards as a result of the employer not ensuring that a ice measuring chain and sprocket was guarded. This was observed during the inspection on 1/23/2019 when the Drum Dryer machine had a unprotected chain and sprocket.

Trident Seafoods was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.219(f)(3) which was contained in OSHA inspection number 1345356, citation number 1, item number 1 and was affirmed as a final order on 11/7/2018 with respect to a workplace located at 111 Marine Way, Kodiak, Alaska 99615.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$129336.00</u>

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

29 CFR 1910.28(b)(1)(i)(A):

28: Duty to have fall protection and falling object protection.

(b) Protection from fall hazards-

(l) Unprotected sides and edges.

(i) Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following:

(A) Guardrail systems;

EXAMPLE: Employees are exposed to fall hazards due to the employer's failure to ensure that the loft used for storage and located above the welding shop was protected to prevent employees from falling. During the inspection on 1/23/19 missing guardrails were observed in the Screen House, Gear Warehouse and Recycling Center

Date by Which Violation Must Be Abated:
Proposed Penalty:

Quick Fix
\$12093.00

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

29 CFR 1910.29(b)(2)(i):

29 Fall protection systems and falling objects protection

(b) Guardrail system

(2) Midrails, screens, mesh, intermediate vertical members, solid panels, or equivalent intermediate members are installed between the walking-working surface and the top edge of the guardrail system as follows when there is not a wall or parapet that is at least 21 inches (53 cm) high.

(i) Midrails are installed at a height midway between the top edge of the guardrail system and the walking-working surface;

Example: Employees are exposed to fall hazards due to the employer's failure to ensure that guardrail system

included a midrails. This was observed during the inspection on 1/23/2019 when the midrail on the work bench located on the 2nd floor of the Screen House and the midrail on the 2nd floor storage area in the recycling area, were missing exposing employees to a fall greater than 4 feet.

Date by Which Violation Must Be Abated:

Quick Fix

Proposed Penalty:

\$10279.00

Citation 1 Item 4 b

Type of Violation: **Serious**

29 CFR 1910.29(b)(1): 29 CFR 1910.29(b)(2)(i):

29 Fall protection systems and falling objects protection

(b) Guardrail system

(1) The top edge height of top rails, or equivalent guardrail system members, are 42 inches (107 cm), plus or minus 3 inches (8 cm), above the walking-working surface. The top edge height may exceed 45 inches (114 cm), provided the guardrail system meets all other criteria of paragraph (b) of this section (see Figure D-11).

Example: Employees are exposed to fall hazards due to the employer's failure to ensure that guardrail system included a top rail. This was observed during the inspection on 1/23/2019 when the top rail of the Pollock Power House only measured 34 1/2 inches

Date by Which Violation Must Be Abated:

May 22, 2019

Proposed Penalty:

\$0.00

Citation 1 Item 5

Type of Violation: **Serious**

29 CFR 1910.25(b)(2):

25 Stairways

(b) General requirements. The employer must ensure:

(2) Vertical clearance above any stair tread to any overhead obstruction is at least 6 feet, 8 inches (203 cm), as measured from the leading edge of the tread;

Exception: Spiral stairs must meet the vertical clearance requirements in paragraph (d)(3) of this section.

Example: Employees are exposed to struck by and pinch point hazards as a result of the employers failure to ensure there was proper clearance from the stair tread to any overhead obstruction. This was observed during the inspection on 2/23/19 when there was only 4 foot 6 inches of clearance between the stair tread and the overhead conveyor belt

Date by Which Violation Must Be Abated:

June 13, 2019

Proposed Penalty:

\$12934.00

Citation 1 Item 6

Type of Violation: **Serious**

29 CFR 1910.184(c)(1):

184 Slings

(c) Safe operating practices. Whenever any sling is used, the following practices shall be observed:

(1) Slings that are damaged or defective shall not be used.

Example: Employees are exposed to serious injuries due to the employers failure to inspect and remove damaged and defective slings from site. This was observed during AKOSH inspection when damaged slings located in the Truck Shop was not removed from service

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$8130.00

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

29 CFR 1910.23(b)(10):

23 Ladders

(b) General requirements for all ladders. The employer must ensure:

(10) Any ladder with structural or other defects is immediately tagged "Dangerous: Do Not Use" or with similar language in accordance with §1910.145 and removed from service until repaired in accordance with §1910.22(d), or replaced;

Example: Employees were exposed to fall hazards as a result of the employers failure to ensure all defective ladders were removed from service. This was observed during the inspection on 1/23/19 when mobile ladders with missing or damaged rubber pads were still in use in the Gear Warehouse and Laundry.

Date by Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$6652.00

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

29 CFR 1910.244(a)(1)(ii):

244 Other portable tools and equipment

(a) Jacks -

(1) Loading and marking.

(ii) The rated load shall be legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means.

Example: Employer put employees at risk of serious hazards such as loss of life and limb due to the lack of the rated load being legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means. This was observed during AKOSH inspection on 1/24/19 when the labels were missing on the floor jacks that were being used in the truck shop..

Date by Which Violation Must Be Abated:

May 22, 2019

Proposed Penalty:

\$10162.00

Citation 1 Item 9

Type of Violation: **Serious**

29 CFR 1910.176(b):

176 Handling materials - general

(b) Secure storage. Storage of material shall not create a hazard. Bags, containers, bundles, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

EXAMPLE: Employees are exposed to impact and caught between hazards associated with racking systems as a result of the employer's failure to ensure that damaged columns on storage racks are repaired or replaced.

This was observed during the inspection on 1/24/2019 when two (2) different storage racks in the gear warehouse had damaged columns causing the racking systems to be out of plumb.

Date by Which Violation Must Be Abated:

May 22, 2019

Proposed Penalty:

\$6097.00

Citation 2 Item 1

Type of Violation: **Repeat-Other**

AS 18.60.058 (a):

Title 18 Health, Safety, and Housing

60 Safety

058 Reporting of illnesses and injuries

(a) In the event of an employment accident that is fatal to an employee or that results in an employee's in-patient hospitalization, an employee's loss of an eye, or an employee's amputation the employer shall report the accident. The report must be made by telephone or in person to the nearest office of the division of labor standards and safety or by telephone to the federal toll-free number provided by the division. The report must relate the name of the establishment, the location of the accident, the time of the accident, a contact person and the telephone number of the contact person, a brief description of the accident, the number of fatalities or injured employees, and the extent of any injuries. **The report must be made immediately but in no event later than eight hours after receipt by the employer of information that the accident has occurred.** However, if the employer first receives information of a fatality, in-patient hospitalization, loss of eye, or amputation eight or more hours after the accident but not later than 30 days after the accident, the employer must make the report not later than eight hours after receiving the information. This subsection does not apply to an employer that first receives information of a fatality, in-patient hospitalization, loss of an eye, or amputation more than 30 days after the accident.

Example: Employees are exposed to safety and health hazards as a result of the employer's failure to notify AKOSH within eight (8) hours on an over night hospitalization of an employee. **An employee received a crushed/fractured wrist on 12/16/2018** at 5:53 am and the employer reported to AKOSH on 12/20/2018 3:05 PM.

Trident Seafoods was previously cited for a violation of this occupational safety and health standard or its

equivalent standard AS 18.60.058 (a): which was contained in OSHA inspection number 1245197, citation number 1, item number 1 and was affirmed as a final order on (date), with respect to a workplace located at 641 Shakes St. Wrangell, AK 99929

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$10370.00</u>

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

29 CFR 1910.303(g)(1)(ii):

303 General

(g) 600 Volts, nominal, or less. This paragraph applies to electric equipment operating at 600 volts, nominal, or less to ground.

(1) Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(ii) Working space required by this standard may not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

EXAMPLE: Employees were exposed to electrocution hazard as a result of the employer's failure to ensure the working space in front of the electrical panel were not being used for storage. This was observed during the inspection on 1/23/19 when the space in front of the electrical panel near the Operations Managers office was being used to store fire extinguisher.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

Citation 2 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.37(b)(2):

37 Maintenance, safeguards, and operational features for exit routes.

(b) Lighting and marking must be adequate and appropriate.(2) Each exit must be clearly visible and marked by a sign reading "Exit."

Examples: Employees are at risk of not being able to find their way out and asphyxiating in the event of a fire due to the employer's failure to provide clearly marked exit doors. This was observed during the inspection on 1/24/19 when the exit door in the Cod Plant were missing the "Exit" sign.

Date by Which Violation Must Be Abated:

May 22, 2019

Proposed Penalty:

\$0.00

Citation 2 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(g)(1)(iv)(A):

305 Wiring methods, components, and equipment for general use.

(g) Flexible cords and cables -

(1) Use of flexible cords and cables.

(iv) Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used:

(A) As a substitute for the fixed wiring of a structure;

EXAMPLE: Employees are exposed to safety hazards due to the employer's failure to ensure that the extension cords and power strips in the were not used as a substitute for fixed wiring of the building. This was observed during the inspection on 1/24/19 when the power strip located in the Truck Shop parts storage area was secured to the wall by screws through the face plate and was being used as a substitute for fixed wiring.

Date by Which Violation Must Be Abated:

May 22, 2019

Proposed Penalty:

\$0.00

Ronald Larsen

Assistant Chief of Enforcement, AKOSH

ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

Division of Labor Standards and Safety

Occupational Safety and Health

1251 Muldoon Road

Suite 109

Anchorage, AK 99504

Phone: (907) 269-4940 Fax: (907) 269-4950



NOTICE OF CORRECTION

Inspection Number: 1368392

Date Issued:04/26/2019

EMPLOYER: TRIDENT SEAFOODS CORPORATION

The "ALLEGED VIOLATIONS" and the abatement dates are listed on this form in the same manner as they were on the Citation. This form is designed to help you explain how the alleged violations were corrected. Failure to correct a violation by the required date carries a penalty of up to \$7,000 for each day the violation is not abated.

In order to complete this form, **you must provide an explanation of the method used to abate the violation**, fill in the date the condition was corrected and sign/initial the appropriate block. **For those citations marked with a "Y" under the heading of "Documentation Required", you must attach documentation of the method used to correct the violation.** Such documentation can be in the form of photographs and/or diagrams; an appropriate narrative of how the violation was corrected; or a written order for a part, service, or action that resulted in the correction of the violation. Please identify by violation, the attached documentation submitted as proof of correction. If insufficient documentation is provided, a representative of the Department will contact you and it may result in a follow-up inspection to verify correction of the violation(s). This

form (including documentation of abatement) needs to be completed and mailed or faxed to the above address within 10 days of the last abatement date listed.

Completion of this form does not preclude the department from conducting subsequent inspections to verify that abatement has taken place. However, by providing clear explanations of the steps taken to abate a violation and documentation that the violation has been abated, your chances of receiving a follow-up inspection are reduced. Your cooperation is appreciated.

Citation # / Item	Abatement Date	Documentation Required	Correction Date	Signature
1-1	Corrected During Inspection			
1-2	Corrected During Inspection			
1-3	Quick Fix			
1-4a	Quick Fix			
1-4b	May 22, 2019			
1-5	June 13, 2019			
1-6	Corrected During Inspection			
1-7	Corrected During Inspection			
1-8	May 22, 2019			
1-9	May 22, 2019			
2-1	Corrected During Inspection			

2-2	Corrected During Inspection			
2-3	May 22, 2019			
2-4	May 22, 2019			

You must sign off on each individual alleged violation and provide documentation of how each alleged violation was corrected.

I _____ hereby certify under penalty of perjury that the above cited violation(s) were abated by the date(s) specified.

Date

Signature

Title