

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: Westward Seafoods, INC
Inspection Site: 1 Mile Captains Bay Rd Dutch Harbor, AK 99692
Issuance Date: 05/14/2019

Summary of Penalties for Inspection Number: 1385694

Citation 1 Item 1, Repeat-Serious	\$28415.00
Citation 1 Item 2, Repeat-Serious	\$37785.00
Citation 1 Item 3, Serious	\$13264.00
Citation 1 Item 4, Serious	\$4831.00
Citation 1 Item 5, Serious	\$7557.00

TOTAL PROPOSED PENALTIES: **\$91852.00**

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



Citations and Notification of Penalty

To:
Westward Seafoods, INC
and its successors
1 Mile Captains Bay Rd
Dutch Harbor, AK 99692

Inspection Number: 1385694
Inspection Date(s): 03/12/2019-03/13/2019
Issuance Date: 05/14/2019

Inspection Site:
1 Mile Captains Bay Rd
Dutch Harbor, AK 99692

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.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with AKOSH to discuss the Citation(s) issued on 05/14/2019. 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 and Notification of Penalty

Company Name: Westward Seafoods, INC
Inspection Site: 1 Mile Captains Bay Rd Dutch Harbor, AK 99692

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

29 CFR 1910.184(d):

184 Slings

(a) Scope. This section applies to slings used in conjunction with other material handling equipment for the movement of material by hoisting, in employments covered by this part. The types of slings covered are those made from alloy steel chain, wire rope, metal mesh, natural or synthetic fiber rope (conventional three strand construction), and synthetic web (nylon, polyester, and polypropylene).

(d) Inspections. Each day before being used, the sling and all fastenings and attachments shall be inspected for damage or defects by a competent person designated by the employer. Additional inspections shall be performed during sling use, where service conditions warrant. Damaged or defective slings shall be immediately removed from service.

Example: Employees were exposed to caught-under or struck-by hazards as a result of the employers failure to ensure that each day before being used, the sling and all fastenings and attachments were inspected for damage or defects by a competent person designated by the employer. This was observed during the inspection on 3/12/19 when several damaged or defective slings were still available for use

Westward Seafoods, Inc was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.184(d) which was contained in OSHA inspection number 1036828, citation number 1, item number 3/a and was affirmed as a final order on 9/8/2015 with respect to a workplace located at Mile 1 Captains Bay Rd, Dutch Harbor, Alaska.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	<u>\$28415.00</u>

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

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

244 Other portable tools and equipment

(a) Jacks



Citation and Notification of Penalty

Company Name: Westward Seafoods, INC
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(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: Employees were exposed to caught-under, caught-in or caught-between hazards as a result of the employers failure to ensure the rated load was legibly and permanently marked in a prominent location on all of the jacks by casting, stamping, or other suitable means. This was observed during the inspection on 3/12/29 in the vehicle maintenance shop when several floor jacks and bottle jacks were in use and lacking the required load rating.

Westward Seafoods, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.244(a)(1)(ii) which was contained in OSHA inspection number 1036828, citation number 1, item number 6/a and was affirmed as a final order on 9/8/2015 with respect to a workplace located at Mile 1 Captains Bay Rd, Dutch Harbor, Alaska.

Date by Which Violation Must Be Abated:

June 10, 2019

Proposed Penalty:

\$37785.00

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

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

(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 maintain the 36 inch working space in front of the electrical panel. This was observed during the inspection on 3/12/19 when the Electrical Room was being used for storage of boxes, ladders, and other equipment which reduced the required 36 inch working space in front of electrical panels.



Citation and Notification of Penalty

Company Name: Westward Seafoods, INC
Inspection Site: 1 Mile Captains Bay Rd Dutch Harbor, AK 99692

Date by Which Violation Must Be Abated:

June 10, 2019

Proposed Penalty:

\$13264.00

Citation 1 Item 4 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 3/12/2019 when a mobile ladders with damaged and missing rubber pads were available for employee use.

Date by Which Violation Must Be Abated:

Quick Fix

Proposed Penalty:

\$4831.00

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

29 CFR 1910.36(g)(2):

36 Design and construction requirements for exit routes

(g) An exit route must meet minimum height and width requirements

(2) An exit access must be at least 28 inches (71.1 cm) wide at all points. Where there is only one exit access leading to an exit or exit discharge, the width of the exit and exit discharge must be at least equal to the width of the exit access.

EXAMPLE: Employees were exposed to entrapment hazards as a result of the employer's failure to ensure that

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materials were not placed within a marked exit route. During the AKOSH inspection a marked exit route was partially obstructed by boxes stored adjacent to the walk ways. The boxes reduced the walking surface to 12 inches in width on the floor.

<u>Date by Which Violation Must Be Abated:</u>	<u>June 10, 2019</u>
<u>Proposed Penalty:</u>	<u>\$7557.00</u>

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: 1385694

Date Issued:05/14/2019

EMPLOYER: Westward Seafoods, INC

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	June 10, 2019			

Citation # / Item	Abatement Date	Documentation Required	Correction Date	Signature
1-3	June 10, 2019			
1-4	Quick Fix			
1-5	June 10, 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