

U.S. Department of Labor

Occupational Safety and Health Administration

Syracuse Area Office

3300 Vickery Road

North Syracuse, NY 13212

Phone: (315)451-0808 FAX: (315)451-1351

OSHA Website Address: <http://www.osha.gov>



Citation and Notification of Penalty

To:

AGRO FARMA, INC.

and its successors

David Sheldon, Env. Health & Safety Dir.

669 County Road 25

New Berlin, NY 13411

Inspection Number: 315849067

Inspection Date(s): 09/15/2011- 03/12/2012

Issuance Date: 03/13/2012

Inspection Site:

669 County Road 25

New Berlin, NY 13411

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **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. (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 "US DOL-OSHA". Please indicate the Inspection Number on the remittance.

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

Notification of Corrective Action - For each violation which you do not contest, you 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 (examples: 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.

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.

Internet Posting Notice: You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under 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 "<http://www.osha.gov>". If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/13/2012. The conference will be held at the OSHA office located at Syracuse Area Office, 3300 Vickery Road, North Syracuse, NY, 13212 on _____ at _____.

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



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.22(a)(1): Place(s) of employment, passageways, storerooms and service rooms were not kept clean and orderly:

- a) **Third Floor, chemical dispensing area, on or about 9/16-22/11: 55 gallon drums of AFCO cleaning chemicals were not set up in an orderly fashion for employees to gain clear access to the drums for dispensing.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 4000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained, so far as possible, in a dry condition:

- a) **Third Floor, on or about 9/16/11: The passageway in front of the exit door had water and soap on the floor creating a slipping hazard.**
- b) **Third Floor, Fruit Room, on or about 9/16/11: Floor at the doorway to the room had an accumulation of foam sanitizer, creating a slippery condition.**
- c) **Second Floor, Processing Area, on or about 9/16/11: Water was puddled on the floor around the Hot Tank #4 and the main passageway through the area.**
- d) **Second Floor, Separator Room, on or about 9/16/11: Water was puddled on the floor, creating a slippery condition.**
- e) **Second Floor, center stairway exit, on or about 9/22/11: Floor Mat Sanitizer solution was puddled on the floor at the exit door, creating a slippery condition.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.22(b)(1): Aisle(s) or passageway(s) were not kept clear and in good repair and sufficient safe clearances were not allowed for aisles, at loading docks, throughout doorways and wherever turns or passage must be made where mechanical handling equipment is used:

- a) **Receiving Dock off the Maintenance Dept., on or about 9/19/11: A passageway was not kept in good repair in that four of steps had the concrete broken off at the edges.**
- b) **Aisleway off the Osgood Filler Lines, on or about 9/15-29/11: Sufficient safe clearances for material handling equipment was not maintained down the aisleway.**

Abatement documentation must be submitted for these items.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.178(n)(1): A safe distance approximately three truck lengths from the truck ahead was not being maintained:

- a) **Dry Good Receiving/aisleway off Osgood Fill Lines, on or about 9/15/11 through 9/29/11: Forklift operators were not maintaining an approximate three truck lengths from the truck ahead.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.22(c): Cover(s) and/or guardrail(s) were not provided to protect personnel from the hazards of open floor drains:

- a) **Old Whey Room, on or about 9/16/11: A seven inch floor drain had the cover missing.**
- b) **Second floor, Processing Area, on or about 9/16/11: A 9 1/2" X 9 1/2" floor drain next to the Hot Tank #4 was not provided with a cover.**
- c) **Second floor, Separator Room, on or about 9/16/11: An 8 inch floor drain was not provided with a cover.**
- d) **Second floor, Quark Separator, on or about 9/16/11: A 12 inch floor drain was not provided with a cover.**

Abatement certification must be submitted for item a.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.23(a)(8): Floor hole(s), into which persons could accidentally walk, were not guarded by standard railings with standard toeboards on all exposed sides or by floor hole covers of standard strength and construction:

- a) **Wastewater Treatment Plant, on or about 9/19/11: Outside metal grating had floor holes measuring 4 1/2" X 15" on both sides of four flock tank pumps and a floor hole next to the building measuring 12" X 15" were not guarded.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012

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

29 CFR 1910.23(c)(3): Standard railing(s) and toeboard(s) were not provided on open-sided floor(s), walkway(s), platform(s), or runway(s), adjacent to or above dangerous equipment and similar hazards:

- a) **Trash Compactor Room, on or about 9/15/11: No standard railings were provided to prevent falling into the trash compactor.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.23(d)(1)(iv): Flight(s) of stairs with 4 or more risers, more than 44 inches wide but less than 88 inches wide, were not equipped with one standard handrail on each enclosed side and one standard stair railing on each open side:

- a) **Second floor, Skim & Cream tank alley area, on or about 9/16/11: A fixed stairway with six risers was not provided with standard handrails.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 3000.00

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

29 CFR 1910.24(d): Fixed stairway(s) were less than 22 inches wide:

- a) **Packaging Area, Osgood #3, Fill Room, on or about 9/16/11: A fixed stairway for accessing the platform for the Osgood #3 was only 12 inches wide.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.24(f): Fixed stairs did not have uniform rise height and tread width throughout the flight of stairs:

- a) **Packaging Room, Osgood #3 fill room, on or about 9/16/11: Fixed stairs to a platform for the Osgood #3 were not uniform.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.27(b)(1)(iii): The clear length of rung(s) or cleat(s) on fixed ladder(s) was less than 16 inches:

- a) **Second Floor, Hot Set 1 and 2, above electrical room, on or about 9/16/11: The length of the rungs on a five foot fixed ladder was 12 inches.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012
Proposed Penalty: \$ 3000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.27(d)(3): The side rails of through or side step fixed ladder extensions did not extend 3 1/2 feet above parapet(s) or landing(s):

- a) **Second floor, Hot Set 1 and 2, above electrical room, on or about 9/16/11: A five foot fixed ladder was not provided with side rails that extended at least 3 1/2 feet above the landing.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012

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

29 CFR 1910.36(e)(1): A side-hinged door was not being used to connect a room to an exit route:

- a) **New Compressor Room/Old Boiler Room, on or about 9/19/11: An overhead door was being used as an exit.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012
Proposed Penalty: \$ 5000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

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

- a) **Main Plant, center stairway, on or about 9/16/11: The emergency lighting was not functioning.**
- b) **Main Plant, center stairway, second floor, on or about 9/16/11: The emergency lighting was not functioning.**

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

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

29 CFR 1910.37(b)(4): The direction of travel to the exit or exit discharge was not immediately apparent, and no signs were posted along the exit access indicating the direction of travel to the nearest exit and exit discharge:

- a) **Throughout the plant, on or about 9/16/11: There were no exit directional signs throughout the plant to indicate the direction of travel to the nearest exit.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 10a Type of Violation: **Serious**

29 CFR 1910.132(a): Protective Equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields was not used wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritations encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact:

- a) **Packaging Dept., on or about 9/15/11: Employees were not protected from the UV lights on Osgood filler lines #6, 7 and 8 in that the interlocked doors did not dim the lights when they were opened.**
- b) **Throughout the plant where chemicals are dispensed, on or about 9/16/11: Personal protective equipment was not used where employees are using/dispensing corrosive chemicals for cleaning purposes, such as splash goggles, face shields, gloves, aprons, etc.**
- c) **Whey Loadout, on or about 9/16/11: There was no fall protection for employees accessing the top of milk/whey trucks at two unloading stations.**

Abatement documentation must be submitted for these items.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

Citation 1 Item 10b Type of Violation: **Serious**

29 CFR 1910.132(f)(1): Employee(s) required to use personal protective equipment (PPE) were not trained in when and what personal protective equipment is necessary:

- a) **Throughout the facility, on or about 9/15/11: Employees dispensing corrosive chemicals for cleaning purposes were not trained in when and what personal protective equipment was necessary.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

- a) **At the establishment, on or about 9/16/11: Permit required confined space signs or other effective means were missing on various tanks and vats, including but not limited to, Greek Yogurt tanks, CIP tanks, starter vats, hot tanks.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

- a) **At the establishment, on or about 9/16/11: Employer did not fully implement a written confined space entry program for employees entering various tanks and vats throughout the plant.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

- a) **At the establishment, on or about 9/16/11: Employees who enter tanks for cleaning purposes, including but not limited to Greek Yogurt tanks 2, 3, 4, were not provided training on confined space entry.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 14a 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:

- a) **Packaging Dept., Osgood filler #2, on or about 9/16/11: No lock out procedures were being utilized while performing cleaning operations on the Osgood filler #2.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedures at least annually to ensure that the procedure and the requirement of this standard were being followed:

- a) **At the establishment, on or about 9/16/11: There were no periodic inspections conducted of the energy control procedures to ensure that the procedures and requirements of the standard were being followed. Employees perform servicing and/or maintenance on various equipment, including, but not limited to filling machines, packaging equipment, yogurt tanks, pumps, case sealers.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

- a) **At the establishment, on or about 9/16/11: Training was not provided to all employees who are required to perform cleaning tasks and/or maintenance activities on equipment to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices. Servicing and/or maintenance is performed by employees on various pieces of equipment, including, but not limited to filling machines, packaging equipment, yogurt tanks, pumps, case sealers.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012

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

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to items (a) through (d) of this section:

- a) **Throughout the plant, on or about 9/16/11: Where employees perform servicing and/or maintenance on various machinery and equipment, including, but not limited to filling machines, packaging equipment, yogurt tanks, pumps, case sealers, the employer had not established specific energy control procedures to prevent the unexpected energizing, start up or release of stored energy of the equipment.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by pinch points, ingoing nip points, moving parts and rotating parts:

- a) **Packaging Dept., on or about 9/15/11: Pinch points between the moving arm for the fruit dispenser injection pump mechanism and the frame of the machine on three Osgood filler machines #6, 7 and 8 were not guarded.**
- b) **Packaging Dept., on or about 9/15/11: Moving cup advancer under the foil lid station and heat sealing station on Osgood filler machines #6, 7 and 8 was not guarded.**
- c) **Packaging Dept., on or about 9/15/11: Moving parts and pinch points at the cup loader for the Osgood filler machines #6, 7, and 8 had guards missing on both sides of the loader.**
- d) **Trash Compactor Room, on or about 9/15/11: Ingoing nip points on a trash compactor were not guarded in that the compactor could be operated with the doors open.**
- e) **Packaging Dept., on or about 9/16/11: Moving parts and pinch points at the cup lift area between the moving cup conveyor and lifting arm on Osgood filler machines #6, 7, and 8, were not guarded.**
- f) **Packaging Dept., Fill Room, on or about 9/16/11: Ingoing nip points on a conveyor at the idler pulley for the Osgood #3 fill machine were not guarded.**
- g) **Packaging Dept., Line 3, on or about 9/16/11: Ingoing nip points were not guarded on the Line 3 case conveyor where two slats were broken on the plastic slat conveyor belt.**
- h) **Packaging Dept., Line 2, on or about 9/16/11: Ingoing nip points were not guarded on Line 2 case conveyor to the Klippenstein box closer.**
- i) **Packaging Dept., Line 1 and 2, on or about 9/16/11: Ingoing nip points, moving parts and rotating parts on two Klippenstein box closers at the conveyor line entrance to the box closing area were not guarded.**

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: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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- j) **Packaging Dept., Zitro Auto Pack #1 and #2, on or about 9/16/11: Ingoing nip points on the auto pack machines #1 and #2 were not guarded at the yogurt pump and lid foil placement area.**
 - k) **Sleeving Dept., on or about 9/16/11: Revolving bolts on the cup restacker for sleeving machines 1, 2, 3, 4, 5, and 6 were not guarded.**
 - l) **Maintenance Dept., on or about 9/19/11: Rotating chuck on a Jet drill press was not guarded.**
 - m) **Packaging Dept., on or about 9/19/11: Pinch points/moving parts at the stopper arm for the Zitro Pack pick station Lines 1, 2 and 3 were not guarded.**
 - n) **DAF Building, on or about 9/19/11: Pinch points at the moving skimmer arm for the DAF clarifier tank were not guarded.**

Abatement documentation must be submitted for items a, b, d, f, i, j, k, l, m, n.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

- a) **Packaging Area, on or about 9/16/11: Point of operation was not guarded on a Zitro Auto Pack #2 at the lid sealer area.**
- b) **Packaging Area, on or about 9/16/11: Point of operation was not guarded on the Osgood #4 filler at the capping station.**

Abatement documentation must be submitted for these items.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

- a) **Maintenance Dept., on or about 9/19/11: A Jet drill press was not securely anchored to prevent walking or moving.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 3000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 19a Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

- a) **Box Forming Room, on or about 9/19/11: Horizontal shafting with keyways on six conveyor lines #10, 11 and 12 for the Thiele box forming machines were not guarded.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 5000.00

Citation 1 Item 19b Type of Violation: **Serious**

29 CFR 1910.219(c)(4)(ii): The unused keyway(s) of projecting shaft end(s) were not filled up or covered:

- a) **Packaging Dept., Osgood 1 & 2, Premo Fill Room, on or about 9/16/11: Projecting shaft end with keyway on the Line 1 cup conveyor was not guarded.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

Citation 1 Item 19c Type of Violation: **Serious**

29 CFR 1910.219(i)(2): Revolving surfaces of shaft coupling(s) were not covered by a safety sleeve:

- a) **Second floor, Skim & Cream tank alley, on or about 9/16/11: Rotating shaft couplings on two motor pumps for the SK-1 tank were not guarded.**
- b) **Second floor, Processing Area, on or about 9/16/11: Rotating shaft coupling on the motor pump for the CIP #5 was not guarded.**
- c) **DAF Building, on or about 9/19/11: Rotating shaft coupling on the pump to the clarifier was not guarded.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated: 04/16/2012

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.303(b)(7)(iv): There were damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as broken, bent cut or deteriorated by corrosion, chemical action overheating:

- a) **Trash Compactor Room, on or about 9/15/11: The handle was missing on the disconnect switch for the Marathon cardboard baler.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: 04/16/2012
Proposed Penalty: \$ 4000.00



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

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

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

- a) **Trash Compactor Room, on or about 9/15/11: Two disconnect switches next to the Marathon trash compactor were blocked by a pallet of wood, a ladder and a trash barrel.**
- b) **Dry Goods Receiving Area, on or about 9/15/11: Two circuit breaker panels were blocked by a pallet of blue bins with product goods.**
- c) **Second Floor, by center stairway, on or about 9/16/11: A main electrical distribution panel #MCC2-01 was blocked by a permanently installed guardrail.**
- d) **Oil Storage Room, on or about 9/19/11: Two electrical disconnect switches were blocked by compressed gas cylinders, a 55 gallon drum, five gallon pails and a mop bucket.**

Abatement certification must be submitted for item d.

Date By Which Violation Must be Abated: **Corrected During Inspection**



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 21a Type of Violation: **Serious**

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

- a) **Chemical Storage Area, on or about 9/16/11: A Lester 24 volt battery charger was not grounded in that the ground pin was missing from the plug end.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 3000.00

Citation 1 Item 21b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and cables were used as a substitute for the fixed wiring of a structure:

- a) **Dry Goods Receiving, on or about 9/15/11: An orange extension cord providing current to a dock light was strung overhead and being used as permanent wiring.**
- b) **Packaging Dept., Line 1, on or about 9/16/11: An orange extension cord providing current to a Markem cup coder was strung overhead and being used as permanent wiring.**

Date By Which Violation Must be Abated:	Corrected During Inspection
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

Citation 1 Item 21c Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

- a) **Chemical Storage Area, on or about 9/16/11: Flexible cord providing current to a Lester battery charger was not provided with strain relief.**
- b) **Packaging Room, Line 3, on or about 9/16/11: Flexible cord providing current to a box coder at line 3 was not provided with strain relief.**

Date By Which Violation Must be Abated: **Corrected During Inspection**

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 22a Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Conductors entering boxes, cabinets, or fittings were not protected from abrasions:

- a) **Y Tank Alley, on or about 9/16/11: Flexible conduit was pulled loose from the motor fitting for the Yogurt tank 2 agitator #AG-222-01.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated: **04/16/2012**
Proposed Penalty: **\$ 3000.00**



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

Citation 1 Item 22b Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

- a) **Third floor, heat exchanger area, on or about 9/16/11: Junction box cover was missing on the valve for the hot water heat exchanger.**
- b) **DAF Building, on or about 9/19/11: Junction box along the DAF clarifier tank was not provided with a cover.**

Abatement certification must be submitted for item b.

Date By Which Violation Must be Abated: **Corrected During Inspection**



Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 1 Item 23a Type of Violation: **Serious**

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety related work practices required by 29 CFR 1910.331 through 29 CFR 1910.335 that pertained to their respective job assignments:

- a) **Throughout the facility, on or about 9/15/11: The maintenance employees performing including, but not limited to troubleshooting on machines and equipment were not provided training in regards to safety related work practices and the use of appropriate personal protective equipment.**

Abatement documentation must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00

Citation 1 Item 23b Type of Violation: **Serious**

29 CFR 1910.333(b)(2)(i): The employer did not maintain a copy of the written procedures outlined in 29 CFR 1910.333 (b)(2) and did not make it available for inspection by employees:

- a) **Throughout the facility, on or about 9/15/11: There were no written safety related work practice program in place to prevent electric shock or other injuries to employees when working on machines and equipment.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
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Citation and Notification of Penalty

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411

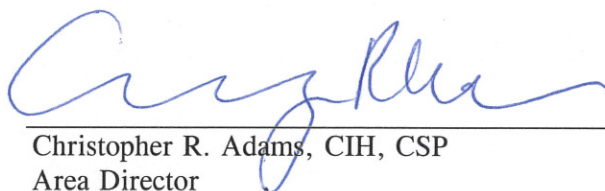
Citation 1 Item 24 Type of Violation: **Serious**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

- a) **Throughout the facility, on or about 9/15/11: Maintenance employees performing, including, but not limited to troubleshooting work on machines and equipment were not provided with appropriate body protection.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:	04/16/2012
Proposed Penalty:	\$ 7000.00


Christopher R. Adams, CIH, CSP
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

Syracuse Area Office

3300 Vickery Road

North Syracuse, NY 13212

Phone: (315)451-0808 FAX: (315)451-1351

OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: AGRO FARMA, INC.
Inspection Site: 669 County Road 25, New Berlin, NY 13411
Issuance Date: 03/13/2012

Summary of Penalties for Inspection Number 315849067

Citation 1, Serious	= \$ 126000.00
TOTAL PROPOSED PENALTIES	= \$ 126000.00

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.

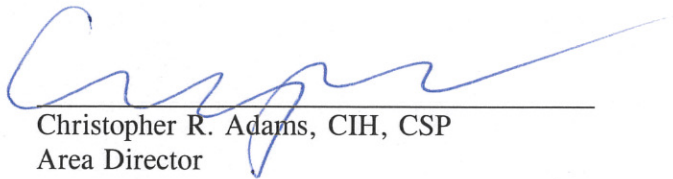
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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 5%. 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.



Christopher R. Adams, CIH, CSP
Area Director

3/13/2012

Date

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, New York 13212-4531
Telephone 315-451-0808
FAX (315) 451-1351
OSHA Website Address: <http://www.osha.gov>

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3/13/12

AGRO FARMA, INC.
David Sheldon, Env. Health & Safety Dir.
669 County Road 25
New Berlin, NY 13411

Reference: Inspection # 315849067

Dear Mr. Sheldon:

In an effort to reduce the paperwork burden on employers, OSHA instituted the Abatement Verification Standard, 29 CFR 1903.19, in May of 1997. This standard allows the employer to provide a letter certifying, where indicated, that an item was corrected in lieu of providing copies of documents that verify abatement. The requirement for certification is indicated in the citation by the following language: **"Abatement certification must be submitted for this item."**

In some circumstances, documentation is required **in addition to** the certification letter. This documentation may include, for example, photographs, air sampling results, purchase orders, copies of cited programs. The requirement for documentation is indicated in the citation by the following language: **"Abatement documentation must be submitted for this item."**

These abatement responses must be prepared and received in this office by the date(s) indicated on the citation. Where the citation item reads, **"Corrected During Inspection,"** no further response is necessary.

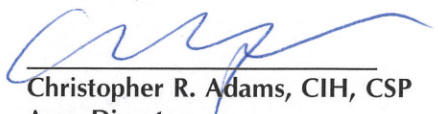
Copies of any abatement certification and documentation submitted to OSHA must be posted for those employees who were exposed to the hazard. This posting must remain posted for **three working days** after submitting the letter to OSHA.

An optional abatement certification letter has been enclosed for your convenience. Please return the response to us at the above address or fax number for the following items:

Citation 1, Items 1, 2, 3a, 3b, 4a, 4b, 5, 6a, 6b, 6c, 7a, 7b, 8, 9b, 10a, 10b, 11, 12, 13, 14a, 14b, 14c, 15, 16, 17, 18, 19a, 19b, 19c, 20a, 21a, 22a, 23a, 23b, 24

If you have any questions, please contact *the Assistant Area Director, Mark Evans* at extension 3024.

Sincerely,



Christopher R. Adams, CIH, CSP
Area Director
Syracuse Area Office

encl.

ABATEMENT CERTIFICATION

AGRO FARMA, INC.
669 County Road 25
New Berlin, NY 13411

Reference: **Inspection # 315849067**

In accordance with 29 CFR 1903.19, Abatement Verification, this document is being offered to certify that abatement has been accomplished for the citations noted below.

I certify that all employees and their representatives have been informed of the abatement action taken on these violations. Additionally, I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

Date

**Citation #1, Item #1 was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation #1, Item #2 was corrected on (date)_____ by (describe corrective
action):_____**

_____.

Abatement Certification Cont'd

Inspection # 315849067

Citation #1, Item #3a was corrected on (date)_____ **by (describe corrective**
action):_____

_____.

Citation #1, Item #3b was corrected on (date)_____ **by (describe corrective**
action):_____

_____.

Citation #1, Item #4a was corrected on (date)_____ **by (describe corrective**
action):_____

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Citation #1, Item #4b was corrected on (date)_____ **by (describe corrective**
action):_____

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Citation #1, Item #5 was corrected on (date)_____ **by (describe corrective**
action):_____

_____.

Abatement Certification Cont'd

Inspection # 315849067

Citation #1, Item #6a was corrected on (date)_____ **by (describe corrective**
action):_____

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Citation #1, Item #6b was corrected on (date)_____ **by (describe corrective**
action):_____

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Citation 1, Item #6c was corrected on (date)_____ **by (describe corrective**
action):_____

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Citation #1, Item #7a was corrected on (date)_____ **by (describe corrective**
action):_____

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Citation #1, Item #7b was corrected on (date)_____ **by (describe corrective**
action):_____

_____.

Abatement Certification Cont'd

Inspection # 315849067

Citation #1, Item #8 was corrected on (date)_____ by (describe corrective
action):_____

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Citation #1, Item #9b was corrected on (date)_____ by (describe corrective
action):_____

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Citation #1, Item #10a was corrected on (date)_____ by (describe corrective
action):_____

_____.

Citation #1, Item #10b was corrected on (date)_____ by (describe corrective
action):_____

_____.

Citation #1, Item #11 was corrected on (date)_____ by (describe corrective
action):_____

_____.

Abatement Certification Cont'd

Inspection # 315849067

Citation #1, Item #12 was corrected on (date)_____ **by (describe corrective action):** _____

_____.

Citation #1, Item #13 was corrected on (date)_____ **by (describe corrective action):** _____

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Citation 1, Item #14a was corrected on (date)_____ **by (describe corrective action):** _____

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Citation #1, Item #14b was corrected on (date)_____ **by (describe corrective action):** _____

_____.

Citation #1, Item #14c was corrected on (date)_____ **by (describe corrective action):** _____

_____.

Abatement Certification Cont'd

Inspection # 315849067

Citation #1, Item #15 was corrected on (date)_____ **by (describe corrective action):** _____

_____.

Citation #1, Item #16 was corrected on (date)_____ **by (describe corrective action):** _____

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Citation #1, Item #17 was corrected on (date)_____ **by (describe corrective action):** _____

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Citation #1, Item #18 was corrected on (date)_____ **by (describe corrective action):** _____

_____.

Citation #1, Item #19a was corrected on (date)_____ **by (describe corrective action):** _____

_____.

Abatement Certification Cont'd

Inspection # 315849067

Citation #1, Item #19b was corrected on (date)_____ **by (describe corrective action):**_____

_____.

Citation #1, Item #19c was corrected on (date)_____ **by (describe corrective action):**_____

_____.

Citation 1, Item #20a was corrected on (date)_____ **by (describe corrective action):**_____

_____.

Citation #1, Item #21a was corrected on (date)_____ **by (describe corrective action):**_____

_____.

Citation #1, Item #22a was corrected on (date)_____ **by (describe corrective action):**_____

_____.

Abatement Certification Cont'd

Inspection # 315849067

**Citation #1, Item #23a was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation #1, Item #23b was corrected on (date)_____ by (describe corrective
action):_____**

_____.

**Citation 1, Item #24 was corrected on (date)_____ by (describe corrective
action):_____**

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