

U.S. Department of Labor  
Occupational Safety and Health Administration  
4849 North Mesa  
Suite 200  
El Paso, TX 79912



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## Citation and Notification of Penalty

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**To:**  
Bruce Foods Corporation  
and its successors  
8000 ASHLEY RD  
El Paso, TX 79934

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019

**Inspection Site:**  
8000 ASHLEY RD  
El Paso, TX 79934

*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.*

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

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

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 915-534-6251. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



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

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an

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

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/25/2019. The conference will be held by telephone or at the OSHA office located at 4849 North Mesa, Suite 200, El Paso, TX 79912 on \_\_\_\_\_ at \_\_\_\_\_.

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



## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1342920

Company Name: Bruce Foods Corporation  
Inspection Site: 8000 ASHLEY RD, El Paso, TX 79934  
Issuance Date: 02/25/2019

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 4849 North Mesa, Suite 200, El Paso, TX 79912**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

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

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### Citation and Notification of Penalty

Company Name: Bruce Foods Corporation  
Inspection Site: 8000 ASHLEY RD, El Paso, TX 79934

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees from overhead process piping not properly secured causing excessive vibration:

On or about August 28, 2018, the employer did not comply with 2007 National Board Inspection Code 2 Part II Section 2 Inspection 2.4.4(d) Piping should be externally inspected for the following: Past or present evidence of excessive vibration or cyclic activity such as loose or missing piping supports or piping insulation. If such activity is present, piping and piping joints should be inspected for potential fatigue cracking. Employees were exposed to explosion and struck-by hazards outside and behind the production area, when pressurized process piping used to supply steam from boilers was not secured properly causing excessive vibration and high pressure water leaks.

Among other methods, one feasible and acceptable abatement method to correct this hazard is outlined in the 2007 National Board Inspection Code Part II Section 2 Inspection - Detailed requirements of in-service inspection of pressure-retaining items. [2.4.4(d)]. Piping should be externally inspected for the following: Past or present evidence of excessive vibration or cyclic activity such as loose or missing piping supports or piping insulation. If such activity is present, piping and piping joints should be inspected for potential fatigue cracking.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/14/2019
Proposed Penalty:	\$11934.00



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Occupational Safety and Health Administration

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### Citation and Notification of Penalty

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

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

29 CFR 1910.22(a)(2): For a wet process, drainage was not maintained and, to the extent feasible, dry standing places, such as false floors, platforms, and mats was not provided.

On or about August 28, 2018, outside production area, employees were exposed to slip/trip and fall hazards due to several instances of water accumulation on the walking/working area:

- a) Near the piping area outside, behind the main building, where maintenance employee walk through to get to their work areas.
- b) Another area outside, behind the main building, where maintenance employees walk through to access control panels.
- c) Outside behind the main building, near the outside production area, at the base of the ladder used by maintenance personnel.
- d) Inside the building, just off the elevated production work area, at the base of the steps, creating a slip/fall hazard to the production employees at the jalapeno cleaning area.
- e) Inside the building, in the walk way near the production area, mostly traveled by maintenance personnel.
- f) In the production area outside, behind the building where the chile crates to wash the chile are located. Maintenance and other employees walk in this area on a regular basis.
- g) Another area inside the building, just off the elevated production work area, at the base of the steps, creating a slip/fall hazard to the production employees in the jalapeno cleaning area.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/14/2019  
\$6819.00

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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

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

On or about August 28, 2018, employees were exposed to trip and fall hazards in the following instances;

- a) In the production building, a hose was running across walking/working surface causing trip hazard.
- b) In the production building, loose covers (wood/metal) protruding upward approximately 1/2 to 1 inch causing trip hazard.
- c) In the production building, metal grate uneven and bent upwards causing trip hazard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**03/14/2019**



U.S. Department of Labor  
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Issuance Date: 02/25/2019



### **Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

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

29 CFR 1910.23(c)(7)(i): The employer did not ensure the stability of the ladder to prevent accidental displacement.

On or about August 28, 2018, on the production floor, employees were exposed to fall hazards up to 16 feet. The 16 foot extension ladder was separated into two sections and used separately in two separate areas;

- a) One section was used by maintenance employee(s) to access the can conveyor near the ceiling inside of the building without ensuring the stability of the ladder to prevent accidental displacement.
- b) The other section was used by maintenance employee(s) to access the can conveyor outside the building without ensuring the stability of the ladder to prevent accidental displacement.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/07/2019
Proposed Penalty:	\$6819.00

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

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**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.23(b)(8): The employer did not ensure ladders were used only for the purposes for which they were designed.

On or about August 28, 2018, an employee was exposed to a fall hazard while using an eight foot step ladder for purposes other than what it was designed for. The 8-foot A-Frame ladder used to access the upper sections (approximately 8 feet up) of the case elevator while leaning against it.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/07/2019



U.S. Department of Labor  
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**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level was protected from falling:

On or about August 28, 2018, employees were exposed to fall hazards greater than 4-feet due while working on platforms with missing guard rails in the following three instances;

- a) Outside in the production area near rotary cooler, an employee working on two separate platforms was observed jumping one to the other without any fall protection.
- b) In Aseptic room (right side) employees accessed the mixing platform which was missing top/mid guard rails.
- c) In Aseptic room (left side); employees accessed the mixing platform which was missing top/mid guard rails.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/28/2019
Proposed Penalty:	\$6819.00

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

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**Citation and Notification of Penalty**

Company Name: Bruce Foods Corporation  
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Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.28(b)(3)(ii): Each employee was not protected from tripping into floor holes:

On or about August 28, 2018, employees were exposed to tripping hazards in the following instances;

- a) Outside production area; water troughs running across the walking surfaces were not adequately covered or had covers missing.
- b) Inside production area; water troughs running across the walking surfaces were not adequately covered or had covers missing.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/14/2019
Proposed Penalty:	\$6819.00



U.S. Department of Labor  
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**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 6** 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 of this section:

On or about August 28, 2018, the employers lockout-tagout procedure was inadequate. The procedure did not identify multiple sources of energy and did not contain procedural steps to be utilized for the control of all hazardous energy associated with the following equipment, exposing employees to unexpected energization or machine movement or the release of stored energy.

- a) Jalapeno line machine
- b) Chili separation machine
- c) The 6-can tray machine

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2019
Proposed Penalty:	\$11934.00

**U.S. Department of Labor**  
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**Inspection Number:** 1342920  
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**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

On or about August 28, 2018, employees were exposed to unexpected energization or machine movement, or the release of stored energy because the employer did not provide lockout/tagout devices or hardware such as but not limited to locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware to isolate, secure machines or equipment from energy sources, exposing employees to amputations, electrical shock, third and fourth degree burns and/or death.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/14/2019
Proposed Penalty:	\$11934.00



U.S. Department of Labor  
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**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

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

On or about August 28, 2018, annual periodic inspections of the employer's energy control procedures were not conducted. Documentation provided by the employer indicated that inspections were to be performed but were never implemented. Employee(s) were exposed to unexpected energization or startup of the machines or equipment, or release of stored energy causing caught-between, struck-by or electrical shock hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/14/2019
Proposed Penalty:	\$11934.00

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**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.147(d)(2): An orderly shutdown of machine or equipment was not utilized to avoid any additional or increased hazards to employees as a result of equipment stoppage:

On or about August 28, 2018, an employee was exposed to hazard of unexpected sources of energy release because the employer provided generic shutdown procedures which were not specific to the Jalapeno Line Machine. The authorized employee conducting maintenance operations did not use the generic procedures and only locked out the machine by placing a piece of duct tape over the lid of the 220V electrical control panel stating "Danger, don't turn on men working". The employee was exposed to residual/stored energy such as but not limited to pneumatic, kinetic and steam energy.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2019
Proposed Penalty:	\$11934.00

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

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**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew, craft,

On or about August 28, 2018, an employee was exposed to unexpected energization or machine movement, or the release of stored energy. On several occasions where the supervisor applied his own lock to the energy source to lockout equipment while another maintenance employee (not authorized employee) would work on the piece of equipment or machinery.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/14/2019
Proposed Penalty:	\$11934.00



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

29 CFR 1910.176(a): Where mechanical handling equipment is used, sufficient safe clearances were not provided in aisle ways. Aisles and passageways were not kept clear with no obstructions across or in aisles creating a hazard:

On or about August 28, 2018, on the production floor, forklift operators were exposed to struck-by or tip-over hazards due to the aisles and passageways not kept in good repair and clear with no obstructions.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/14/2019  
\$5115.00

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**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

On or about August 28, 2018, forklift operators were exposed to struck by hazards in the warehouse area due material stored in tiers that was not stacked properly and limited in height so that it was stable and secure against sliding and collapse.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$5115.00

U.S. Department of Labor  
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**Company Name:** Bruce Foods Corporation  
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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.212(a)(5): Fan blade guard(s) were not provided where the periphery of the blades was less than seven feet from the floor or working level:

On or about August 28, 2018, on the production floor, employees were exposed to four instances caught-in hazards due to three evaporative coolers and one fan missing guards or not properly guarded:

- a) In the production area of the building near the maintenance shop.
- b) In the production area near the rear entrance to the building.
- c) In the production area near the chile separation work area.
- d) In the production area also near the chile separation work area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$5115.00



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

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

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch:

On or about August 28, 2018, employees were exposed to struck-by and caught-in hazards because the work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one eighth inch.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/07/2019
Proposed Penalty:	\$6819.00

**U.S. Department of Labor**  
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**Citation 1 Item 14 b**      Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch

On or about August 28, 2018, employees were exposed to struck-by hazards because the tongue guard on the bench grinder had the tongue guard with a spacing of at least 1/2 inch and the pedestal grinder had the tongue guard missing completely.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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**Citation and Notification of Penalty**

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

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

29 CFR 1910.219(f)(1): Gear(s) were not guarded by a complete enclosure or by one of the methods specified in 29 CFR 1910.219(f)(1)(ii) and (f)(1)(iii):

On or about August 28, 2018, employees are exposed caught-in hazards due to interlocking/meshing gears missing guards in the following instances:

- a) Outside the production area, interlocking gears to the shelve cooler machine was missing a guard.
- b) Outside production area, the can conveyor interlocking gears to the shelve cooler machine was missing a guard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/07/2019
Proposed Penalty:	\$10229.00



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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed:

On or about August 28, 2018, employees are exposed to caught-in hazards due to sprocket and chains missing guards in two instances;

- a) At the accident site, sprocket and chain gears near and over the fan blade to the rotary cooling machine were missing guards.
- b) Outside in the production area, sprocket and chains to the chile cleaning conveyor machine was missing a guard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/07/2019

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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.219(p)(6)(ii): Inspections were not made of belts, lacings, and fasteners and such equipment was not kept in good repair:

On or about August 28, 2018, on the production floor at the 6-can wrapping tray machine; employer did not inspect and repair conveyor belt. Employees were exposed to struck-by and caught-in hazards due to a broken rotating metal conveyor belt which was not kept in good repair; several pieces of the belt were broken off but was still being used.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$8525.00

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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.252(a)(2)(ii): Suitable extinguishing equipment was not maintained in a state of readiness for instant use:

On or about August 28, 2018, the employer did not provide an operable fire extinguisher for the employee actively engaged in welding operation; this condition exposed the employee to fire hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$6819.00



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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.252(b)(2)(i)(B): Goggles or other suitable eye protection were not used during all gas welding or oxygen cutting operations:

On or about August 28, 2018, an employee was exposed arc radiation hazards while engaged in welding operations and not wearing adequate eye protection.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/01/2019
Proposed Penalty:	\$6819.00

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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.253(b)(2)(iv): Valve protection caps, where cylinders were designed to accept caps, were not always in place, hand-tight, except when cylinders were in use or connected for use:

On or about August 28, 2018, in the maintenance area; an oxygen tank along with an acetylene tank was being stored on a welder's cart while not in use. Both cylinder tanks were left unsecured and did not have protection caps. This condition exposed employees to struck by hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$6819.00

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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

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

29 CFR 1910.303(b)(8)(i): Electrical equipment was not firmly secured to the surface on which it was mounted.

On or about August 28, 2018, on the production floor; employees were exposed to fire/burn and electrical shock hazards due to the possibility of transformers overheating. The ventilation openings in the back were blocked by the walls which prevented the free circulation of air through the electrical equipment that was not firmly secured to the surface on which it was mounted. There were three instances:

- a) A 220v Square D transformer located in the taco shell area.
- b) A second 220v Square D transformer located in the taco shell area.
- c) A 220v General Electric transformer located in the electrical shop.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/07/2019
Proposed Penalty:	\$5115.00



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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



**Citation and Notification of Penalty**

Company Name: Bruce Foods Corporation  
Inspection Site: 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.303(b)(8)(iii): Electric equipment provided with ventilating openings was installed so that walls or other obstructions prevent the free circulation of air through the equipment:

On or about August 28, 2018, on the production floor; employees were exposed to fire/burn and electrical shock hazards due to the possibility of the transformers overheating. The ventilation openings in the back were blocked by the walls which prevented the free circulation of air through the equipment. There were three instances:

- a) A 220v Square D transformer located in the taco shell area.
- b) A second 220v Square D transformer located in the taco shell area
- c) A 220v General Electric transformer located in the electrical shop.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/14/2019

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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.303(g)(1)(i)(B): For electric equipment operating at 600 volts, nominal, or less to ground, and likely to require examination, adjustment, servicing, or maintenance while energized, the width of the working space in front of electrical equipment was less than 762 mm (30 inches) :

On or about August 28, 2018, in the maintenance equipment shop employees were exposed to fire hazards in that access to the electrical panels were blocked by the accumulation of trash, material and equipment being stored in front of the electrical panels.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$6819.00

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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



### **Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.303(g)(1)(vii)(B): Outdoor electric equipment was not installed in suitable enclosures and/or was not protected from accidental contact by unauthorized personnel, by accidental spillage or leakage from piping systems.

On or about August 28, 2018, outside and behind the production floor building, employees were exposed to electrical shock hazards in three instances due to electrical panels and control boxes not being closed or enclosed and protected against accidental spillage or leakage from piping systems;

- a) Gray electrical box near the outside production area with the door not latched closed.
- b) Red electrical box near the outside production area with the door not latched closed.
- c) Control panel for conveyors with lid propped open.

#### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/07/2019
Proposed Penalty:	\$6819.00



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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

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

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

On or about August 28, 2018, employees were exposed to electrical shock hazards due to unused openings in electrical boxes and cabinets not effectively closed in the following instances;

- a) Outside production area, gray control panel for outdoor conveyor(s).
- b) Inside production area, blue control panel for outdoor conveyor(s).
- c) Inside production area, brown control panel near the rear entrance to the building.
- d) Inside production area, blue control panel near the taco shell line/water fountain.
- e) Inside production area, the control panel for the 6 can tray machine.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$6819.00

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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



**Citation and Notification of Penalty**

Company Name: Bruce Foods Corporation  
Inspection Site: 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

On or about August 28, 2018, employees were exposed to electrical shock hazards due to receptacle outlets missing a cover or faceplate in the following instances;

- a) Inside the production area the receptacle outlet next to the circuit panel near the taco shell area.
- b) Inside the production area the receptacle outlet just outside of the maintenance shop.
- c) Inside the production area the junction box on cement block wall just outside of the electrical shop.
- d) Outside production area the receptacle outlet just below the control box with unused opening.
- e) Outside production area the receptacle outlet near the water fountain/aseptic room.
- f) Inside the production area; the industrial fan was plugged into the receptacle outlet near the 6 can tray machine.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/07/2019

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

**Inspection Number:** 1342920  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 02/25/2019



**Citation and Notification of Penalty**

**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.305(g)(1)(iv)(B): Flexible cords and/or cables were run through holes in walls, ceilings, or floors:

On or about August 28, 2018, on the production floor in the maintenance area; an electrical cable was run through a hole of a metal wall. The electrical cable was energized and connected to the chop saw which was being used by maintenance employees. This condition exposed employees to electrical shock hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

03/07/2019



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

Inspection Number: 1342920  
Inspection Date(s): 08/28/2018 - 08/28/2018  
Issuance Date: 02/25/2019



**Citation and Notification of Penalty**

Company Name: Bruce Foods Corporation  
Inspection Site: 8000 ASHLEY RD, El Paso, TX 79934

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

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used only in continuous lengths without splice or tap:

On or about August 28, 2018, there were three instances where flexible cords were not used only in continuous lengths without splice or tap. In two instances, the electrical black tape used for splicing was unraveling; this condition exposed employees to electrical shock hazards.

- a) The electrical cord from the outside water tank was spliced using wire nuts and electrical tape but left the inside conductors unprotected.
- b) In the aseptic room, the electrical cord to the industrial fan and just above the employees heads was spliced/repaired with electrical tape.
- c) In the 6 tray packing area, the electrical cord to the industrial fan was splice/repaired using electrical tape.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/07/2019  
\$8525.00

A handwritten signature in black ink, appearing to read "Diego Alvarado Jr.", written over a horizontal line.

**Diego Alvarado Jr.**  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
4849 North Mesa  
Suite 200  
El Paso, TX 79912



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Bruce Foods Corporation  
**Inspection Site:** 8000 ASHLEY RD, El Paso, TX 79934  
**Issuance Date:** 02/25/2019

<b>Summary of Penalties for Inspection Number</b>	<b>1342920</b>
<b>Citation 1, Serious</b>	<b>\$194352.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$194352.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Diego Alvarado Jr.**

Area Director



Date