

## U.S. Department of Labor

Occupational Safety and Health Administration  
8713 Airport Freeway  
Suite 302  
Fort Worth, TX 76180  
Phone: 817-428-2470 Fax: 817-581-7723



### Citation and Notification of Penalty

**To:**

Five Star Custom Foods, LTD  
3709 E. 1st Street  
Fort Worth, TX 76111

**Inspection Number:** 487978

**Inspection Date(s):** 06/12/2012 - 12/03/2012

**Issuance Date:** 12/12/2012

**Inspection Site:**

3709 E. 1st Street  
Fort Worth, TX 76111

*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.

**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 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.

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 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.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/12/2012. The conference will be held at the OSHA office located at 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 487978**

Company Name: Five Star Custom Foods, LTD  
Inspection Site: 3709 E. 1st Street, Fort Worth, TX 76111  
Issuance Date: 12/12/2012

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, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180**

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:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

In the kettle area, the employer does not ensure that the path from the freezer room to the kettle area has a minimum clearance of 36 inches.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including that aisles and passageways are at least 36 inches.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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

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

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**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.22(d)(1): In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official were not marked in a conspicuous place in each space to which they related.

In the shipping and receiving area, the employer is storing material on a storage rack without a load rating sign above a frequently used table and battery charging station, exposing employees to struck-by hazards.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that load rating signs are posted where equipment and material are stored on racks.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.23(a)(9): Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) were not protected by a cover that leaves no openings more than one inch wide.

In the combo wash area, the employer does not ensure the drain hole is covered exposing employees to trip and slip hazards.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including installing a cover plate over the drain hole.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/17/2012
Proposed Penalty:	\$3000.00

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:** Five Star Custom Foods, LTD  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.23(e)(1): Standard railing(s) did not consist of top rail, intermediate rail and/or posts and/or did not have a vertical height of 42 inches (106.7 cm) nominal from upper surface of top rail to floor, platform runway, or ramp level.

The employer does not provide a standard guard railing system. Employees utilize working platforms consisting of a top rail and toe board without a mid-rail, exposing employees to a fall hazard of approximately 4 foot to the floor below, at the following locations:

- a) In the Kettle cook area, and
- b) In the Grinding room.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the installation of mid-rails on the platform.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/17/2012
Proposed Penalty:	\$3000.00

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

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**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed.

In the combo wash area, the employer does not ensure employees have a clear and unobstructed exit pathway to the emergency exit door. The exit door is obstructed by a 60" x 69" fan, where employees were exposed to fire and entrapment hazards.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including exit routes are kept free and obstructed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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:** Five Star Custom Foods, LTD  
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#### Citation 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices (RAGAGEP).

The employer does not ensure that the ammonia refrigeration system complies with recognized and general accepted good engineering practices such as but not limited to the following:

- a) in the engine room, the employer did not immediately repair the vapor seal to prevent intrusion of water or water vapor which will lead to breakdown of insulation, damaged pipe insulation and corrosion of the pipework; in accordance with IIAR, Bulletin No. 110, Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.7.2 Insulated piping. The vapor seal and pipe insulation were damaged near the L12-02 strainer, in the Engine Room.
- b) the employer did not immediately repair the vapor seal to prevent intrusion of water or water vapor which will lead to breakdown of insulation, damaged pipe insulation and corrosion of the pipework; in accordance with IIAR, Bulletin No. 110, Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.7.2 Insulated piping. The vapor seal and pipe insulation were damaged in the vicinity of the High Temperature Recirculator (HTR-1/IC-1), outside the Engine Room.
- c) Piping did not identify the refrigerant (i.e. ammonia), the physical state of the refrigerant, the relative pressure level of the refrigerant and the direction of flow; in accordance with IIAR, Bulletin No. 114, Identification of Ammonia Refrigeration Piping and System Components, Section 4.1, Piping Markers. The pipes were not marked in the vicinity of the High Temperature Recirculator (HTR-1/IC-1), outside the Engine Room.
- d) Shut off valves did not carry the following markings: manufacturer's name or unique symbol permanently marked on the body, specific direction of flow, model number, size-nominal, application range or limits of the device; in accordance with ANSI/IIAR, Ammonia Refrigeration Valves, Section 8.1. The oil pot valves adjacent to HTR-1/IC-1 outside the Engine Room were not marked or labeled.

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

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e) The employer did not document the date pressure Relief Valves were replaced, such as, but not limited to equipment ID: H-1, H-2, L-11 and HTR-1 as designated in accordance with IIAR Bulletin 110, Section 6.6.3, exposing employees to an ammonia release.

f) Ammonia containing piping, such as but not limited to, the purger suction line in the engine room and piping located below HTR-1 connected to the isolation pump and to the oil pot valve, were not correctly labeled in accordance with IIAR Bulletin 114.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the ammonia refrigeration system is documented and complies with recognized and general accepted good engineering practices.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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:** Five Star Custom Foods, LTD  
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**Citation 1 Item 7**    Type of Violation: **Serious**

29 CFR 1910.119(e)(5): The employer did not document the resolution of PHA recommendations.

The employer does not document that the recommendations of the Process Hazard Analysis were resolved and that the resolution were documented such as but not limited to:

- a) in the 2002, the Process Hazard Analysis' were resolved and that the resolution were not documented, such as item 7.9 (Piping is mislabeled) -Ammonia containing piping, such as but not limited to, the purger suction line in the engine room and piping located below HTR-1 connected to the isolation pump and to the oil pot valve, were not labeled and item 12.6 (The employee emergency notification system is inoperable during an emergency). The employer has not installed an emergency alarm system, and
- b) In the 2007 the Process Hazard Analysis' were resolved and the resolution were not documented such as item 1.2 (The PRV is inadequately maintained). The employer has not developed a system to accurately track the replacement dates of Pressure Relief Valves and 5.11 (Valves are not accessible). The employer has not stationed a permanent ladder in the engine room/compressor room.

Pursuant 29 CFR 1903.19, the employer must provide documentation that this violation has been abated within 10 workdays of the date this citation is received.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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

**Inspection Number:** 487978  
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**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.119(f)(1): The employer did not implement written operation procedures that provided clear instructions for safely conducting activities.

The employer does not ensure that the standard operating procedures are implemented as written. The written operating procedures (Pump Out Procedure- Evaporative Condenser (SOP EC-1)), were not being used by the mechanic while changing out the evaporator coils on the Compressor-AU2 Evaporator, exposing employees to potential ammonia release.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to develop and implement a written operating procedures for clear instructions for safety conducting activities involved in each covered process consistent with the process safety information.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(f)(3): The employer did not certify annually that the operating procedures are current and accurate.

The employer does not ensure that standard operating procedures for Initial Start-up, Normal operation, Normal shutdown, Temporary operation, Emergency shutdown and Emergency operation are certified annually; such as, but not limited to the following equipment:

- a) Low temperature recirculator (SOP LTR-1)
- b) Dual high stage compressor (SOP H-1 &2)
- c) Air cooling evaporator (SOP AU-37)
- d) Evaporator condenser (SOP EC-1)

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to develop and implement a written operating procedures to assure that they reflect current operation practice, including changes that result from changes in process chemicals, technology and equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$5000.00



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
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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 10 a      Type of Violation: **Serious**

29 CFR 1910.119(f)(4): The employer shall develop and implement safe work practices to provide for the control of hazards during operations such as lockout tagout.

The employer does not ensure that safe work practices, which include specific lockout/tagout procedures, are established and implemented for all equipment such as, but not limited to, the Low Temperature Recirculator 1 (LTR-1).

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to develop and implement an energy control program including specific procedures for each piece of equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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

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**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
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Citation 1 Item 10 b      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.

The employer does not develop specific lockout/tagout procedures for all equipment such as, but not limited to, the Low Temperature Recirculator 1 (LTR-1).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

01/04/2013

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

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

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**Citation and Notification of Penalty**

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

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure that the purpose and function of the energy control program was understood by employees.

The employer does not provide adequate training which includes specific lockout/tagout procedures for all equipment such as, but not limited to, the Low Temperature Recirculator 1 (LTR-1).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

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

29 CFR 1910.119(g)(3): The employer did not prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

The employer does not ensure that any training received by operators of the ammonia refrigeration system is documented in a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training. The employer does not have records documenting the training of each employee involved in changing out the evaporator coils on the Compressor-AU-2 Evaporator, on the safety and health hazards, emergency shutdown operations and safe work practices.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that training provided to the employees working with the ammonia refrigeration system is documented in a record with the name of the employee, the date of training, and the means used to verify that the employee understood the training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/04/2013
Proposed Penalty:	\$3000.00

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:** Five Star Custom Foods, LTD  
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#### Citation 1 Item 12 Type of Violation: **Serious**

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

The employer does not ensure the mechanical integrity procedures are written for inspecting vessels, compressors, evaporators, insulation and piping; in accordance with consensus documents, such as but not limited to:

- a) External visual inspection of compressor H-1 and H-2; in accordance with IIAR, Bulletin No. 110 "Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.3.
- b) External visual inspection of insulated piping segments AU 2-7; in accordance with IIAR, Bulletin No. 110 "Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.7.2.
- c) External visual inspection of un-insulated vessels L-11 and L-12; in accordance with IIAR, Bulletin No. 110 "Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.4.
- d) External visual inspection of un-insulated piping of the AU 2-7; in accordance with IIAR, Bulletin No. 110 "Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.7.1.
- e) Inspection, testing, and preventive maintenance of the compressors outside the engine room, H-1 and H-2; in accordance with IIAR, Bulletin No. 110 "Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems, Section 6.3.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the mechanical integrity procedures have detailed instructions on how to conduct tests, inspections, and preventative maintenance of both insulated and non-insulated

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equipment and piping. The documentation will include the date, a description, a detailed report of resolution and any applicable codes and standards employed as part of the resolution.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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Proposed Penalty:

01/04/2013  
\$7000.00

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

a) The employer does not ensure that inspections and tests are conducted at a frequency consistent with recognized and generally accepted good engineering practice such as, IIAR Bulletin 110, for specific safety systems identified as safeguards in the 2007 process hazard analysis (PHA). Annual visual inspections of un-insulated piping, insulated piping, vessels and heat exchangers were not performed in 2010 and 2011 in accordance with IIAR Bulletin 110, Section 6.

b) The employer does not ensure in the engine room, the mechanical conditions of the drives on compressors, such as, but not limited to, AU-2, are inspected on a quarterly schedule. The employer does not schedule inspections per IIAR Bulletin 110 Section 6 to ensure the mechanical integrity of the equipment, exposing employees to ammonia release.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard for testing frequency as defined by recognized and generally accepted good engineering practices such as IIAR Bulletin 110.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(j)(4)(iv): The employer did not document the date of inspection, the name of the person performing the inspection, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection, and the results of the inspection for each piece of process equipment.

The employer does not ensure that inspections of process equipment are properly documented. The inspection records do not include the description of the inspection and the results of the inspection for each piece of process equipment, such as but not limited to the following:

- a) Evaporator: AU-9, AU-10, AU-11, AU-12, AU-13, AU-14, AU-15, AU-16, AU-17, AU-18, AU-19, AU-20, AU-21, AU-22, AU-23, AU-24, AU-25, AU-26, AU-27 AND AU-28.
- b) Recirculator HTR-1/IC-1: Piping and valves, ammonia liquid pump, piping and valves, Cornell pump and ammonia pressure vessel-oil pot.
- c) Intercooler Vessel Package (IC-2): Pressure relief valves and piping, piping and valves, and ammonia pressure vessel-oil pot.
- d) Pressure Vessel (HPR-1): piping and valves, and ammonia pressure vessel.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that the documentation of the inspection or test includes a description of the test/inspection of the control.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$5000.00

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

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

**Inspection Number:** 487978  
**Inspection Date(s):** 06/12/2012 - 12/03/2012  
**Issuance Date:** 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

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

Inspection Number: 487978  
Inspection Date(s): 06/12/2012 - 12/03/2012  
Issuance Date: 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(k)(1): The employer did not issue a hot work permit for hot work operations conducted on or near a covered process.

The employer does not ensure that hot work permits are issued in accordance with their program, during welding operations on the high pressure liquid line (HPL) and while adding coils to the AU-2 and AU-4 in the blast freezer.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the describing the steps that it is taking to ensure that hot work permits are issued prior to work being performed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	01/04/2013
Proposed Penalty:	\$7000.00

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:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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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 16 a**      Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not establish or implement written procedures to manage changes to process chemicals, technology, equipment, and procedures, and changes to facilities that affect a covered process.

The employer does not ensure that written procedures for management of change are established for modifications to equipment, such as but not limited to;

- a) The installation of the new HTR-2.
- b) Adding coils to the AU-2 and AU-4

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the describing the steps that it is taking to ensure that management of change procedures reviews are conducted according to the standard when facilities are modified.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(l)(2)(iii): The employer did not ensure that the operating procedures were addressed and modified prior to any change.

The employer does not ensure that the operating procedures are modified prior to placing equipment into service, such as but not limited to the following:

- a) Installing a new HTR-2.
- b) added coils to the AU-2 and AU-4

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the describing the steps that it is taking to ensure that Management of Change address changes or modifications to equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

01/04/2013



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(l)(3): The employees involved in operating a process and maintenance and contract employees whose job tasks will be affected by a change in the process were not informed of, and trained in, the change prior to start-up of the process or affected part of the process.

The employer does not ensure that operations, maintenance, and contract employees involved in operating a process were trained in the change, prior to the start-up of the process, for the following pieces of equipment:

- a) Installing a new HTR-2.
- b) added coils to the AU-2 and AU-4

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the describing the steps that it is taking to ensure that employees are trained before being involved in the maintenance and procedures on Management of Change.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** **01/04/2013**



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(m)(4): An incident report was not prepared at the conclusion of the investigation that included at a minimum, the date of the incident, date the investigation began, a description of the incident, and any recommendations resulting from the investigation.

On or about June 13, 2012 and times prior thereto, at the facility, the employer does not ensure that an incident report is prepared at the conclusion of the investigation which includes at a minimum, the date of the incident, date the investigation began, a description of the incident, and any recommendations resulting from the investigation.

On April 22, 2011, in the Engine Room there was an ammonia leak requiring the evacuation of the employees.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the describing the steps that it is taking to ensure that an incident report is prepared at the conclusion of the investigation.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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

**Inspection Number:** 487978  
**Inspection Date(s):** 06/12/2012 - 12/03/2012  
**Issuance Date:** 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(n): The employer did not establish and implement an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38.

The employer does not implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38, such as, reviewing the emergency action plan and emergency evacuation procedures with visitors and non-employees.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including the implementation of the emergency action plan containing the elements outlined in 29 CFR 1910.38 and 29 CFR 1910.165.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.119(o)(1): The employer did not certify that they have evaluated compliance with the provisions of this section at least every three years.

The employer does not ensure that process safety management compliance audits are conducted for the ammonia refrigeration system at least every three years as required by the standard. The employer had not conducted an OSHA compliance audit by June 2012, in accordance with the standard.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that its process safety management compliance audits are completed every three years.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use.

The employer does not provide an emergency shower or eye wash station in the immediate vicinity where employees are required to charge forklift batteries. The employees are exposed to injuries from where battery acid, including but not limited to the following locations:

- a) In the shipping dock area
- b) In the receiving dock area.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that eye wash stations are located in areas near battery charging stations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$4000.00

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

Inspection Number: 487978  
Inspection Date(s): 06/12/2012 - 12/03/2012  
Issuance Date: 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.165(b)(2): The employee alarm could not be perceived above ambient noise or light levels by all employees in the affected portions of the workplace.

The employer does not provide and maintain an employee alarm system that has a distinctive sound that can be heard by all employees throughout the facility.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including installing an alarm system.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$7000.00

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

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

Inspection Number: 487978  
Inspection Date(s): 06/12/2012 - 12/03/2012  
Issuance Date: 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident.

The employer does not ensure each electric power switch boxes are legibly marked to indicate its purpose including but not limited to the following locations:

- a) Shipping dock area
- b) Receiving dock area

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that markings are provided on electrical equipment giving voltage, and indicating its purpose.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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

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

Inspection Number: 487978  
Inspection Date(s): 06/12/2012 - 12/03/2012  
Issuance Date: 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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

29 CFR 1910.303(g)(1)(ii): The required working space about electric equipment rated 600 volts, nominal, or less to ground, was used for storage.

The employer does not ensure that the working space around electrical equipment is used for storage. The employer allowed the storage of several ladders adjacent to electrical panels, inside an electrical room.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the electrical room is not utilized as a storage room.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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

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

Inspection Number: 487978  
Inspection Date(s): 06/12/2012 - 12/03/2012  
Issuance Date: 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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**Citation 1 Item 24** 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.

The employer does not ensure the electrical junction box with exposed wires located below the HTR-1/IC-1 had a cover plate; exposing employees to electrical shock hazards.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that the electrical panel is provided a cover plate.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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**Citation 1 Item 25** Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables were not connected to devices and fittings so that strain relief was provided that would prevent pull from being directly transmitted to joints or terminal screws.

The employer does not ensure that electrical power cords entering electrical junction boxes are fitted with strain relief devices in areas such as but not limited to:

- a) Shipping dock area, the supply cord that energizes the battery charging unit is not connected with a strain relief device.
- b) South freezer, the supply cord that energizes the freezer motor is not connected with a strain relief device.
- c) Above the compressor pump, the supply cord entering the junction box is not connected with a strain relief device.

Pursuant to 29 CFR 1903.19, within (10) calendar days of the abatement date the employer must submit documentation, showing that it is in compliance with the standard, including describing the steps that it is taking to ensure that flexible cords and cables are connected to devices and fittings to prevent strain relief.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

01/04/2013  
\$3000.00

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

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

**Inspection Number:** 487978  
**Inspection Date(s):** 06/12/2012 - 12/03/2012  
**Issuance Date:** 12/12/2012



**Citation and Notification of Penalty**

**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111

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*E. Rector*

for **Jack A. Rector**  
Area Director

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

U.S. Department of Labor  
Occupational Safety and Health Administration  
8713 Airport Freeway  
Suite 302  
Fort Worth, TX 76180  
Phone: 817-428-2470 Fax: 817-581-7723



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Five Star Custom Foods, LTD  
**Inspection Site:** 3709 E. 1st Street, Fort Worth, TX 76111  
**Issuance Date:** 12/12/2012

<b>Summary of Penalties for Inspection Number</b>	<b>487978</b>
<b>Citation 1, Serious</b>	<b>\$128000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$128000.00</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.

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 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.

*E. L. Rector*

for

Jack A. Rector

Area Director

*12-12-2012*

Date