

U.S. Department of Labor

Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
Phone: 315-451-0808 Fax: 315-451-1351



Citation and Notification of Penalty

To:

Marshall Ingredients, LLC
and its successors
Peter Reid, President
5786 Limekiln Rd.
Wolcott, NY 14590

Inspection Number: 1250461**Inspection Date(s):** 07/26/2017 - 01/17/2018**Issuance Date:** 01/17/2018**Inspection Site:**

5786 Limekiln Rd.
Wolcott, NY 14590

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 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. 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. 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. 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 01/16/2018. The conference will be held by telephone or at the OSHA office located at 3300 Vickery Road, North Syracuse, NY 13212 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1250461

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590
Issuance Date: 01/16/2018

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, 3300 Vickery Road, North Syracuse, NY 13212**

Citation Number _01_ and Item Number _001_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _002_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _003a_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _004a_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _004b_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _004c_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _006a_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _006b_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _007a_ was corrected on _____
By (Method of Abatement): _____

Citation Number _01_ and Item Number _008a_ was corrected on _____
By (Method of Abatement): _____

Citation Number 01 and Item Number 008b 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



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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 in that employees were exposed to the hazards of exposure to potential combustible dust, fire, deflagration and explosion hazards.

Marshall Ingredients, LLC, Process Room, on or about or about 8/7/17:

The employer operates two manufacturing lines that dry and pulverizes fruit products into powders. The powders were sampled and determined to be explosive. The employer did not implement procedures for managing and/or mitigating fire and explosion hazards of combustible agricultural dusts or related particulate solids. The areas with the hazards include, but are not limited to, the rotary dryers, cyclones, metal detectors, hammer mills and baggers. Deficiencies include but are not limited to:

- a) Dust Hazard Analysis (DHA) not performed;
- b) Controls not in place to prevent sources of ignition such as but not limited to static electricity, sparks and heat;
- c) Fire and Spark prevention, detection, suppression systems not in place;
- d) The employer did not have deflagration protection at all affected areas;
- e) The employer had improperly installed back flow prevention devices in the exterior dust collection area.

Among other methods, one feasible and acceptable abatement method to correct these hazards are to comply with relevant provisions in NFPA 61 (2017) Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities and NFPA 652 (2016) Standard on the Fundamentals of Combustible Dust, such as:

- 1) Chapter 4, Section 4.1.2 of NFPA 61, which requires that the employer identify, assess the consequences and manage credible fire, flash fire and explosion hazards associated with their facility; and communicate the hazards to affected personnel.

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: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

- 2) Chapter 7, Section 7.1.1 of NFPA 652 and NFPA 61, which requires the employer to conduct a Dust Hazard Analysis.
- 3) Chapter 8, Section 8.3.9.4.4.1 of NFPA 61, which requires each dryer located inside a building to be protected by a permanently install fire protection system, explosion suppression system, or both, in accordance with applicable NFPA standards.
- 4) Chapter 8, Section 8.8.4.1 of NFPA 61 which requires that equipment requiring explosion prevention shall be protected by containment, suppression, inerting, or explosion venting.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

02/15/2018
\$9054.00

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: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

- a) **Process Room, on or about 8/2/17: Employees were not able to open the Northeast exit door from the inside at all times without keys due to the locked screen door mounted in front of the exit door.**
- b) **Process Room, on or about 8/2/17: Employees were not able to open the Southeast exit door from the inside at all times without keys in that the only access to the exit was through a locked chain link gate.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/22/2018
\$6467.00



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

- a) Chemical Room, on or about 10/20/17: Employee using ZEP Peroxy-Serve 5, which contains hydrogen peroxide, peracetic acid and acetic acid, to clean Sweaco Balls, did not wear eye protection.**
- b) Restroom, on or about 11/9/17: Employee using VETO II Disinfectant, which contains hydrochloric acid, to clean the toilet, did not wear eye protection.**

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/22/2018
Proposed Penalty:	\$9054.00

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

Inspection Number: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

Citation 1 Item 3 b 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:

a) Chemical Room, on or about 7/28/17 and 8/4/17: Employees handling injurious corrosive liquids, such as but not limited to: ZEP Morado Super Cleaner, ZEP FS Formula 4089 GL, ZEP VETO II Disinfectant and ZEP Peroxy-Serve 5, were not provided with suitable facilities for quick drenching or flushing of the eyes and body.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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 4 a Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

- a) **Process Room, on or about 7/18/17: Lockout procedures were not utilized for the control of potentially hazardous energy while employees were engaged in cleaning Dryer #1 in that the airlock, rotary drum and gas line were not locked out.**
- b) **Process Room, on or about 7/22/17: Neither lockout procedures in accordance with 29 CFR 1910.147 (c)(4)(i) nor other effective alternative measures pursuant to 29 CFR 1910.147 (a)(2)(ii) were utilized when cleaning the air lock of Dryer #1. An employee sustained a hand amputation when she reached into the rotating airlock for cleaning purposes.**
- c) **Process Room, on or about 7/24/17: Lockout procedures were not utilized while an employee was engaged in cleaning the inside of Dryer #1 in that the gas line had not been turned off and locked out.**

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/26/2018
Proposed Penalty:	\$9054.00

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

Inspection Number: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

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

a) Marshall Ingredients, LLC, on or about 7/22/17: The employer did not provide lockout/tagout training to authorized and affected employees to ensure that they understood the purpose and function of the energy control program as well as the knowledge and skills required for the safe application, usage and removal of energy controls. Employees perform service and/or maintenance on equipment, including but not limited to, Hammer Mills; Dryers; Prater Grinder; Dumpers; Conveyors and Bag Sealer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2018

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: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

29 CFR 1910.147(f)(3)(ii)(D): Each authorized employee did not affix a personal lockout or tagout device to the group lockout device before working on the machine or equipment:

a) Process Room, on or about 9/5/17: Each authorized employee did not affix a personal lockout device to the group lockout device prior to cleaning the hammer mills.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/26/2018

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: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting:

a) **Marshall Ingredients LLC, on or about 7/26/17: Employees had not received training on the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting.**

***ABATEMENT NOTE: By this date the employer must either correct the alleged violation or implement a Fire Safety Policy; as outlined in 29 CFR 1910.38(a) and .39(a) which includes the evacuation requirements of 29 CFR 1910.157(b).**

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7760.00

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: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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 6 a Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

a) Marshall Ingredients LLC, on or about 7/26/17: The employer did not ensure that each powered industrial truck operator received the required training and evaluation.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/26/2018
\$7760.00

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: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

29 CFR 1910.178(l)(4)(iii): An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

a) Marshall Ingredients LLC, on or about 7/26/17: The employer did not ensure that each powered industrial truck operator received a performance evaluation at least once every three years.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:

01/26/2018

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: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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 7 a Type of Violation: **Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- a) Process Room, Side#1 and Side#2, on or about 8/2/17: Conveyor used to convey product to the air lock was not provided with pinch point guarding on the underside.
- b) Process Room, Dumper #1, on or about 8/2/17: The rotating auger used to transfer product from the dumper to the conveyor was not equipped with a guard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/26/2018
Proposed Penalty:	\$9054.00



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven -7 feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

- a) **Process Room, Side#1 and Side#2, on or about 7/26/17: Conveyor used to convey product to the air lock was not provided with guarding at the in-running nip points of the belt and roll at the top.**
- b) **Process Room, Bagging Area, on or about 8/2/17: PBC 6000 heat conveyor was not equipped with guarding at the in-running nip points of the belts and rollers.**

Date By Which Violation Must be Abated:

Corrected During Inspection



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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 8 a Type of Violation: **Serious**

29 CFR 1910.307(b): Documentation for areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 was not available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location:

a) Process Room, on or about 8/2/17: The process area is a Class II Division 2 hazardous location under the Class and Division system and was not documented as such by the Employer. Electrical classification drawings of the facility are required to be available to those authorized to design, install, inspect, maintain, or operate electric equipment in hazardous locations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

02/15/2018
\$6467.00

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

Inspection Number: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

a) Process Room, on or about 7/26/17: The process area is a Class II Division 2 hazardous environment. The electrical disconnects and receptacles used within 10 feet of equipment such as but not limited to: Rotary Dryers, Hammer Mills, Dust Collectors, and Bagger were not intrinsically safe or approved for Class II, Division 2 hazardous locations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

02/15/2018

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: 1250461
Inspection Date(s): 07/26/2017 - 01/17/2018
Issuance Date: 01/17/2018



Citation and Notification of Penalty

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

Citation 2 Item 1 a Type of Violation: **Willful**

29 CFR 1910.22(c): The employer did not provide, and ensure each employee used, a safe means of access and egress to and from walking-working surfaces:

a) Metal Detector No. 2, on or about 7/19/17: Employees accessing the work platform by climbing the frame were exposed to falling up to 12 feet 6 inches . A ladder or other safe means of access was not utilized.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$90535.00

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: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590

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

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 was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: Guardrail systems, safety net systems, or personal fall arrest systems:

- a) Metal Detector No. 2, on or about 7/19/17: Employees perform cleaning and testing from an unprotected work platform that exposed them to falling 12 feet 6 inches.
- b) Metal Detector No. 1, on or about 7/26/17: Employees performing cleaning and testing have been standing on top of a railing to reach the upper section of the machine. Employees were exposed to falling 12 feet 9 inches from the top railing.

Date By Which Violation Must be Abated:

Corrected During Inspection

A handwritten signature in black ink, appearing to read "Chris Adams", written over a horizontal line.

Christopher Adams, CIH, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
Phone: 315-451-0808 Fax: 315-451-1351



INVOICE / DEBT COLLECTION NOTICE

Company Name: Marshall Ingredients, LLC
Inspection Site: 5786 Limekiln Rd., Wolcott, NY 14590
Issuance Date: 01/16/2018

Summary of Penalties for Inspection Number	1250461
Citation 1, Serious	\$64670.00
Citation 2, Willful	\$90535.00
TOTAL PROPOSED PENALTIES	\$155205.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on 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

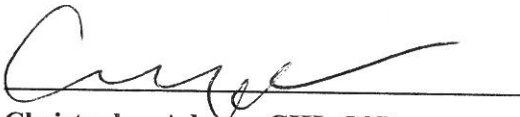
account, the bank will attempt to make the transfer up to 2 times.

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.



Christopher Adams, CIH, CSP

Area Director

11/17/2018
Date