

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9110 Fax: (808) 586-9104



Certified Mail Number: 7016 0340 0000 3331 2885

Citation and Notification of Penalty

To:
Sysco Hawaii Inc dba HFM Foodservice
and its successors
716 Umi Street
Honolulu, HI 96819

Inspection Number: 1360325
Inspection Date(s): 11/08/2018-11/30/2018
Issuance Date: 12/28/2018

Inspection Site:
716 Umi Street
Honolulu, HI 96819

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 describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State 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 HIOSH Administrator during the 20 calendar 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. If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5, 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.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: **1)** Your name and address; **2)** the inspection number (found on the front page); **3)** the citation and citation item number(s) to which the submission relates; **4)** a statement that the information is accurate; **5)** the signature of the employer or employer's authorized representative; **6)** the date the hazard was corrected; **7)** a brief statement of how the hazard was corrected; and **8)** a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days 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 inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

Company Name: Sysco Hawaii Inc dba HFM Foodservice
Inspection Site: 716 Umi Street, Honolulu, HI 96819

Inspection Number: 1360325
Issuance Date: 12/28/2018

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected" and return to: **Department of Labor and Industrial Relations - Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, HI 96813.**

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Signature of the Employer or
Employer's Authorized Representative

Date

Typed or Printed Name

Title

Posting: For posting requirements please refer to Chapter 12-51, Hawaii Administrative Rules.

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 12/28/2018.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET
ROOM 423
HONOLULU, HI 96813

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

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1360325
Inspection Date(s): 11/08/2018-11/30/2018
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Citation and Notification of Penalty

Company Name: Sysco Hawaii Inc dba HFM Foodservice
Inspection Site: 716 Umi Street, Honolulu, HI 96819

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

29 CFR 1910.178(n)(4) [Refer to 12-60-50(a), HAR]: The driver shall be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.

Dry dock area near dock door 3 - On November 7, 2018, two warehouse associates, who were operating powered industrial trucks, failed to slow down and sound their equipment horns in an area of the dry dock that had a large pillar that obstructed their views. The powered industrial trucks collided and resulted in one employee sustaining serious bodily injuries.

Date by Which Violation Must Be Abated: **01/04/2019**
Penalty: **\$12,675.00**

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

29 CFR 1910.178(n)(8) [Refer to 12-60-50(a), HAR]: Under all travel conditions the truck shall be operated at a speed that will permit it to be brought to a stop in a safe manner.

Dry dock area near dock door 3 - On November 7, 2018, two warehouse associates failed to operate their powered industrial trucks at a speed that would permit their equipment to be brought to a stop in a safe manner. The powered industrial trucks collided and resulted in one employee sustaining serious bodily injuries.

Date by Which Violation Must Be Abated: **01/04/2019**
Penalty: **\$12,675.00**

State of Hawaii

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Inspection Number: 1360325
Inspection Date(s): 11/08/2018-11/30/2018
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Citation and Notification of Penalty

Company Name: Sysco Hawaii Inc dba HFM Foodservice
Inspection Site: 716 Umi Street, Honolulu, HI 96819

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

12-60-7, HAR: Requirements of quality. Materials, devices, structures and methods and procedures of operation which are required by these standards, and which are described by general descriptive terms such as adequate, proper, sufficient and the like, shall be of such kind and quality as a reasonable and prudent person experienced in the work would require in order to effect a safe operation.

Aisle 48 of dry warehouse - Multiple storage racks had damaged columns at their bottom sections from being struck by powered industrial trucks operating in the dry warehouse. **Damaged columns exposed employees to serious bodily injuries due to struck by hazards of collapsing racking systems.**

Non-food room and aisle 48 of dry warehouse - **Multiple storage racks had column base plates that were not anchored to the floor with anchor bolts thus exposing employees to struck-by hazards of collapsing racking systems with the potential to sustain serious bodily injuries.**

Sysco Hawaii Inc is the successor employer of HFM Foodservice. Kerr Pacific Corporation dba HFM Foodservice was previously cited for a violation of this Hawaii Occupational Safety and Health standard 12-60-7, HAR, which was contained in HIOSH inspection number 1197589, citation number 1, item numbers 1a and 1b and were affirmed as a final order on January 27, 2017, with respect to a workplace located at 716 Umi Street, Honolulu, HI 96819.

Date by Which Violation Must Be Abated:
Penalty:

02/04/2019
\$45,275.00

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1360325
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Issuance Date: 12/28/2018



Citation and Notification of Penalty

Company Name: Sysco Hawaii Inc dba HFM Foodservice
Inspection Site: 716 Umi Street, Honolulu, HI 96819

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

12-60-2(b)(1)(A), HAR: The employer shall institute and maintain an effective safety and health program to identify, evaluate and control workplace hazards. Employer safety and health programs which were developed prior to the promulgation of this standard may be used to satisfy this requirement so long as they meet the criteria for an acceptable program set forth in (B) below.

Establishment - The employer did not have an effective written safety and health program as its policies, procedures, and rules did not address specific powered industrial truck speed limits at their establishment. Lack of guidance from a written safety and health program that did not include a section that addressed specific powered industrial truck speed limits resulted in employees being exposed to struck by and struck against hazards. On November 7, 2018, two warehouse associates failed to operate their powered industrial trucks at a speed that would permit their equipment to be brought to a stop in a safe manner. The powered industrial trucks collided and resulted in one employee sustaining serious bodily injuries.

Date by Which Violation Must Be Abated:
Penalty:

02/04/2019
\$0.00

Citation 3 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(b)(2)(i) [Refer to 12-60-50(a), HAR]: Covers and canopies. (i) All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

East wall of non-food room - An electrical junction box was missing its faceplate thus allowing insulated, energized conductors to be exposed.

Date by Which Violation Must Be Abated:
Penalty:

Corrected
\$0.00

KEVIN WON, Acting Manager
Occupational Safety Branch

State of Hawaii

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HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
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HONOLULU, HI 96813
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SUMMARY OF PENALTIES

Company Name: Sysco Hawaii Inc dba HFM Foodservice
Inspection Site: 716 Umi Street, Honolulu, HI 96819
Issuance Date: 12/28/2018

Summary of Penalties for Inspection Number: 1360325

Citation 1 Item 1, Serious	\$12,675.00
Citation 1 Item 2, Serious	12,675.00
Citation 2 Item 1, Repeat-Serious	45,275.00
Citation 3 Item 1, Other-than-Serious	0.00
Citation 3 Item 2, Other-than-Serious	0.00

TOTAL PENALTIES: **\$70,625.00**

Make check or money order payable to the "**Director of Budget and Finance.**" Please indicate the *inspection number and dba, if company name is different, on the remittance.* A fee of \$25.00 will be charged for any returned checks.