

U.S. Department of Labor Occupational Safety and Health Administration
6393 Oak Tree Blvd,
Suite 203
Independence, OH 44131
Phone: 216-447-4194 Fax: 216-520-1624



September 23, 2015

Case Farms Processing, Inc.
1925 30th St. NE
Canton, OH 44705

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of the date together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation or the 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 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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Eberts", is written over the word "Sincerely,".

Howard B. Eberts
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131
Phone: 216-447-4194 Fax: 216-520-1624



Citation and Notification of Penalty

To:
Case Farms Processing, Inc.
and its successors
1925 30th St. NE
Canton, OH 44705

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015

Inspection Site:
1925 30th St. NE
Canton, OH 44705

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 09/23/2015. The conference will be held by telephone or at the OSHA office located at 6393

Oak Tree Blvd, Suite 203, Independence, OH 44131 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1048762

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705
Issuance Date: 09/23/2015

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, 6393 Oak Tree Blvd, Suite 203, Independence, OH 44131**

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



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

29 CFR 1910.145(c)(3): Safety instruction sign(s) were not used where there was a need for general instructions and suggestions relative to safety measure(s):

- a. On or before March 25, 2015, the required danger signs were not provided for the Meyn Model #ME2080 (without conveyor line); known as the fat saver/sucker machine with the #189 vacuum tanks, located in the second processing department.
- b. On or before May 21, 2015, the required danger signs were not provided for the Marel Stork Liver Drum Model LWE Serial #10107500, in the evisceration department, located in first processing .
- c. On or before May 20, 2015, the required warning signs were not provided for the two Biro saws, Model BCC-100 Poultry Processing Machines, in the reprocessing/salvage section, located in first processing.
- d. On or before May 20, 2015, the required warning signs were not provided for the Biro saws, Model BCC-100 Poultry Processing Machines, at drops#1, #2, and #3 in the WOG department, located in second processing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/01/2015
Proposed Penalty:	\$5500.00

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

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

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

29 CFR 1910.147(d)(3): All energy isolating devices that were needed to control the energy to the machine or equipment were not physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s):

On or before March 24, 2015, the employer failed to ensure that the Meyn Model #ME2080 (without conveyor line); known as the fat saver/sucker machine with the #189 vacuum tanks, was operated in a manner that did not isolate the energy sources prior to authorized employees performing work, in that locks were not applied to the energy source nor was the energy source relieved, disconnected, restrained, or otherwise rendered safe during cleaning operations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2015
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.

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

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees to include but not limited to:

a) On or about March 24, 2015, lockout procedures were not utilized during the cleaning of the Meyn Model #ME2080 (without conveyor line); known as the fat saver/sucker machine with the #189 vacuum tank. The electrical energy sources were not locked out.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

10/05/2015

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: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

29 CFR 1910.147(f)(2)(i): When outside servicing personnel were engaged in activities in a facility, the onsite employer and the outside employer did not inform each other of their respective lockout or tagout procedures:

On or before April 7, 2015, Case Farms had not reviewed or discussed with Callaghan and Callaghan (DBA Cal-Clean) their hazardous energy (lock out/tag out) procedures that are to be used when cleaning and sanitizing Case Farms machines included but not limited to:

- a) Live Dock; First Processing
- b) Kill and Blood Area; First Processing
- c) Scalding Area; First Processing
- d) Picker Area; First Processing
- e) Paw Room; First Processing
- f) Evisceration; First Processing
- g) Reprocess Line; First Processing
- h) Chillers; First Processing
- i) Gizzard Area; First Processing
- j) Debone Area; Second Processing
- k) Cut-up Area; Second Processing

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: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

- l) Marination; Second Processing
- m) Wog Area; Second Processing
- n) Sizing Area; Second Processing
- o) Ice Room; Second Processing

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/07/2015
\$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: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

29 CFR 1910.305(j)(2)(v): A receptacle installed outdoors in a location protected from the weather or in other damp locations shall have an enclosure for the receptacle that is weatherproof when the receptacle is covered (attachment plug cap not inserted and receptacle covers closed):

Note to paragraph (j)(2)(v) of this section. A receptacle is considered to be in a location protected from the weather when it is located under roofed open porches, canopies, marquees, or the like and where it will not be subjected to a beating rain or water runoff.

- a. On or before May 20, 2015, the receptacle cover in the evisceration boot rinse area was missing the receptacle cover exposing employees to an electrical hazard.
- b. On or before May 22, 2015, the receptacle cover by the evisceration south wall was missing exposing employees to an electrical hazard.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6600.00

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

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

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:

On or before March 24, 2015, the employer failed to ensure employees were adequately trained in the hazardous energy control procedures (lock out/tag out) program.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

09/30/2015
\$70000.00

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: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

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

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. On or before April 7, 2015, while operating the #517 Giblet/Liver Chiller Machine located in first processing chiller/sizing department, the machine operator, who was an employee of the sanitation contractor Callaghan & Callaghan dba Cal-Clean, was exposed to the unguarded dual paddles which rotate opposite directions in the machine.

b. On or before April 27, 2015, while operating the Fabco chicken dumper located in first processing, the machine operator was exposed pinch points of the control arm and the actual movement of the bin.

c. On or before May 21, 2015, while operating the Marel Stork Liver Drum Model LWE Serial #10107500, located in first processing evisceration department, the machine operator was exposed to the unguarded rotating liver tumbler.

Case Farms Processing Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 609458, citation number 1, item number 1 and was affirmed as a final order on February 10, 2013, with respect to a workplace located at 1925 30th Street North East Canton Ohio 44705.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2015
Proposed Penalty:	\$70000.00

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

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 1 Type of Violation: **Repeat**

29 CFR 1904.29(b)(1): You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year:

Located at Case Farms, Canton Ohio: On or before March 25, 2015 The employer did not record the following workplace injuries and illnesses correctly on the OSHA 300 log for the calendar year 2015:

a. On or about March 24, 2015, a laborer (case 1505) sustained an amputation. Column E did not state where the event occurred.

Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard (name previously cited standard), which was contained in OSHA inspection number 98699, citation number 1, item number 4 and was affirmed as a final order on 12/12/2011, with respect to a workplace located at 1818 County Road 160, Winesburg, Ohio, 44690.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00

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: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 2 Type of Violation: **Repeat**

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) On or before March 24, 2015, hazardous energy control procedures(lockout/tagout) were not developed for the Meyn Model #ME2080 (without conveyor line); known as the fat saver/sucker machine with the #189 vacuum tanks located in the second processing department. Energy sources include, but not limited to: electrical and pneumatic.

Case Farms Processing Inc., was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(4)(ii)(B), which was contained in OSHA inspection number 611079 citation number 1, item number 1a and was affirmed as a final order on October 24, 2012 with respect to a workplace located at 1925 30th Street North East, Canton, Ohio, 44705.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2015
Proposed Penalty:	\$38500.00



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 3 Type of Violation: **Repeat**

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: Examples of guarding machines are barrier guards, two-hand tripping devices, electronic safety devices, etc:

a. On or before March 24, 2015, while operating the Meyn Model #ME2080 (without conveyor line); known as the fat saver/sucker machine with the #189 vacuum tanks, located in the second processing department; the machine operator was exposed to the inadequately guarded plunger that moves up and down.

Case Farms Processing Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 609458, citation number 1, item number 1 and was affirmed as a final order on February 10, 2013, with respect to a workplace located at 1925 30th Street North East Canton Ohio 44705 .

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/05/2015
Proposed Penalty:	\$38500.00



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 4 Type of Violation: **Repeat**

29 CFR 1910.212(a)(3)(ii): The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle:

a. On or about May 20, 2015, while operating the Biro saw, Model BCC-100 Poultry Processing Machine, in the Reprocessing/Salvage section, located in first processing, the saw operator was exposed to an amputation hazard due to contact with the rotating blade.

b. On or about May 20, 2015, while operating the Biro saws, Model BCC-100 Poultry Processing Machine at drops #1, #2, and #3 in the WOG are, located in second processing, the saw operators were exposed an amputation hazard due to contact with the rotating blade.

Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 107981, citation number 1, item number 1 and was affirmed as a final order on May 16 2013, with respect to a workplace located at 1818 County Road 160, Winesburg, OH 44690.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/13/2015
Proposed Penalty:	\$38500.00



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 5 Type of Violation: **Repeat**

29 CFR 1910.303(b)(7)(iv): There shall be no damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action, or overheating:

- a) On or before May 20, 2015, in the evisceration department, located in first processing, the conduit for the gizzard defatter was coming out of the bottom of the motor control exposing the employees to an electrical hazard.
- b) On or before May 22, 2015, in evisceration, Pre-Chiller crossover conveyor, located in first processing, the conduit exiting the on and off switch was broken exposing employees to an electrical hazard.

Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 77252, citation number 1, item number 16b and was affirmed as a final order on May 16, 2013, with respect to a workplace located at 1818 County Road 160, Winesburg, Ohio 44690.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$22000.00



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 6 Type of Violation: **Repeat**

29 CFR 1910.303(e)(1)(ii): Other markings giving voltage, current, wattage, or other ratings as necessary were not provided:

- a. On or before May 20, 2015, in the feather removing area located in first processing, the first picker electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.
- b. On or before May 20, 2015, in the feather removing area located in first processing, the second picker electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.
- c. On or before May 20, 2015, in the feather removing area located in first processing, the third picker electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.
- d. On or before May 20, 2015, in the feather removing area located in first processing, the inspector's water electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.
- e. On or before May 20, 2015, in the feather removing area located in first processing, the picker conveyor panel electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.
- f. On or before May 22, 2015, in the Evisceration department located in first processing by the south wall, the reprocessing/belt paddle unloader electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.
- g. On or before May 22, 2015, in the Evisceration department located in first processing, the sizing conveyor electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.

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: Case Farms Processing, Inc.

Inspection Site: 1925 30th St. NE, Canton, OH 44705

h. On or before May 22, 2015, in the Evisceration department located in first processing, the savova conveyor electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.

i. On or before May 22, 2015, in the Evisceration department located in first processing, the bird chiller 1 electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.

j. On or before May 22, 2015, in the Evisceration department located in first processing, the bird chiller 2 electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.

k. On or before May 22, 2015, in the Evisceration department located in first processing, the chiller building exhaust fans electrical panel box was not marked with the voltage, current, wattage and other ratings, thereby exposing employees to an electrical hazard.

Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 77252, citation number 1, item number 25b and was affirmed as a final order on May 16, 2013, with respect to a workplace located at 1818 County Road 160, Winesburg, Ohio 44690.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$33000.00

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

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 7 Type of Violation: **Repeat**

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed:

a. On or before May 22, 2015, the Hubbell Circuit Disconnect Switch, CAT NO HBLDS6, in first processing Sizing Conveyor area had an unused opening in the bottom of the box exposing employees to live electrical current when turning the power on and off daily.

Case Farms was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 77252, citation number 1, item number 17 and was affirmed as a final order on May 16, 2013, with respect to a workplace located at 1818 County Road 160, Winesburg, OH 44690.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$27500.00

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

Inspection Number: 1048762
Inspection Date(s): 03/25/2015 - 03/25/2015
Issuance Date: 09/23/2015



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 8 Type of Violation: **Repeat**

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

a. On or before May 22, 2015, the Janitor closet in the atrium area was missing the receptacle cover exposing the live electrical wiring within.

b. On or before May 20, 2015, the receptacle cover in the live receiving cooling shed was missing the receptacle cover exposing the live electrical wiring within.

Case Farms was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 77252, citation number 1, item number 18 and was affirmed as a final order on May 16, 2013, with respect to a workplace located at 1818 County Road 160, Winesburg, OH 44690.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$16500.00



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 9 Type of Violation: **Repeat**

29 CFR 1910.305(g)(1)(iv)(B): Where run through holes in walls, ceilings, or floors Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used:

- a. On or before May 20, 2015, in the live receiving hall way the flexible cord that energized the Cross Contamination control center C4 by Zep, was run through the ceiling tiles, thereby exposing employees to an electrical hazard.
- b. On or before May 20, 2015, in the executive conference room, the flexible cord for the Insignia television was run through the wall.

Case Farms Processing Inc. was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 77252, citation number 1, item number 19, and was affirmed as a final order on May 16 2013, with respect to a workplace located at 1818 County Road 160, Winesburg OH 44690.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$16500.00



Citation and Notification of Penalty

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705

Citation 3 Item 10 Type of Violation: Repeat

29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws:

- a. On or before May 20, 2015, near picker 3, in feather removing room located in first processing, the flexible cord exiting the on and off switch was not provided strain relief to prevent pull.
- b. On or before May 20, 2015, in evisceration located in first processing, by USDA inspector station #2, the flexible cord exiting the fan was not provided strain relief to prevent pull.
- c. On or before May 22, 2015, in evisceration, chiller rehang table, located in first processing, the flexible cord exiting the chiller rehang table box was not provide strain relief to prevent pull.

The Case Farms Processing Inc. was previously cited for a violation of this Occupational Safety and Health standard 29 CFR 1910.305(g)(2)(iii), which was contained in OSHA inspection number 77252, Citation Number 1, Item number 20 and was affirmed as a final order on May 13, 2013), with respect to a workplace located at 1818 County Road 160, Winesburg, Ohio, 44690.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$22000.00

A handwritten signature in black ink, appearing to read "H. B. Eberts", written over a horizontal line.

Howard B. Eberts
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
6393 Oak Tree Blvd
Suite 203
Independence, OH 44131
Phone: 216-447-4194 Fax: 216-520-1624



INVOICE / DEBT COLLECTION NOTICE

Company Name: Case Farms Processing, Inc.
Inspection Site: 1925 30th St. NE, Canton, OH 44705
Issuance Date: 09/23/2015

Summary of Penalties for Inspection Number	1048762
Citation 1, Serious	\$26100.00
Citation 2, Willful	\$140000.00
Citation 3, Repeat	\$258500.00
TOTAL PROPOSED PENALTIES	\$424600.00

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.

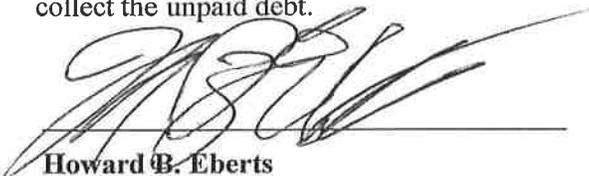
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Howard B. Eberts

Area Director

9-23-2015
Date