

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Columbus Area Office - Region V  
200 North High Street, Room 620  
Columbus, Ohio 43215-2497  
Phone: (614) 469-5582 FAX: (614) 469-6791



February 9, 2016

Mr. Estaban Nieto, Human Resources Manager  
Case Farms Processing, Inc.  
1818 County Road 160  
Winesburg, Ohio 44690

RE: 1095914

Dear Mr. Nieto:

An inspection of your work place at 1818 County Road 160, Winesburg, Ohio on October 1, 2015, disclosed the following hazard(s):

The employer failed to implement a program and train employees to minimize exposure to *Campylobacter*.

*Campylobacteriosis*, a gastrointestinal infection caused by *Campylobacter*, is characterized by inflammatory, sometimes bloody diarrhea or dysentery syndrome, mostly including cramps, fever, and pain. The most common routes of transmission are fecal-oral, ingestion of contaminated food or water, and the eating of raw meat and poultry.

Since no OSHA standard applies and it is not considered appropriate at this time to invoke Section 5(a)(1). The General Duty Clause of the Occupational Safety and Health Act, no citation will be issued for this/these hazard(s).

In the interest of workplace safety and health, I recommend that you voluntarily take the necessary steps to eliminate or materially reduce your employees' exposure to the hazard(s) described above. Feasible methods of control may include, but are not limited to the following:

Train employees on the hazards of *Campylobacter* and methods of prevention. When employees have symptoms consistent with *Campylobacter* exposure, send the employee to the doctor for specific testing.

**Training may include, but not limited to, the following prevention methods:**

- Prevention is based on control measures at all stages of the food chain, from agricultural production on a farm, to processing, manufacturing and preparation of foods both commercially and domestically.
- In countries without adequate sewage disposal systems, feces and articles soiled with feces may need to be disinfected before disposal.

- Measures to reduce the prevalence of *Campylobacter* in poultry include enhanced biosecurity to avoid transmission of *Campylobacter* from the environment to the flock of birds on the farm. This control option is feasible only where birds are kept in closed housing conditions.
- Good hygienic slaughtering practices reduce the contamination of carcasses by feces, but will not guarantee the absence of *Campylobacter* from meat and meat products. Education in hygienic food handling for abattoir workers and raw meat producers is essential to keep contamination to a minimum.

OSHA welcomes any report of your efforts to reduce the above mentioned exposures. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Deborah J. Zubaty, Area Director  
Columbus Area Office

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
200 N. High Street  
Room 620  
Columbus, OH 43215  
Phone: 614-469-5582 Fax: 614-469-6791



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## Citation and Notification of Penalty

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**To:**  
Case Farms Processing, Inc.  
and its successors  
1818 County Road 160  
Winesburg, OH 44690

**Inspection Number:** 1095914  
**Inspection Date(s):** 10/01/2015 – 2/09/2016  
**Issuance Date:** 02/09/2016

**Inspection Site:**  
1818 County Road 160  
Winesburg, OH 44690

7014 2120 0003 6973 4606

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/09/2016. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1095914**

Company Name: Case Farms Processing, Inc.  
Inspection Site: 1818 County Road 160, Winesburg, OH 44690  
Issuance Date: 02/09/2016

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, 200 N. High Street, Room 620, Columbus, OH 43215**

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:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1904.29(b)(2): What do I need to do to complete the OSHA 301 Incident Report? You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log:

- a. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-12 that occurred on September.11, 2015.
- b. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-15 that occurred on August 11, 2015.
- c. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-16 that occurred on August 11, 2015.
- d. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-17 that occurred on August 11, 2015.
- e. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-18 that occurred on August 11, 2015.
- f. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-19 that occurred on August 11, 2015.
- g. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-20 that occurred on August 11, 2015.
- h. The employer failed to perform or produce an OSHA 301 or equivalent for case 15-21 that occurred on August 11, 2015.

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:** 1095914  
**Inspection Date(s):** 10/01/2015 – 2/09/2016  
**Issuance Date:** 02/09/2016



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc.  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1904.4(a), which was contained in OSHA inspection number 107981, citation number 2, item number 1 and was affirmed as final order on May 16, 2013, with respect to a workplace located at 1818 County Road 160, Winesburg, Ohio 44690.

Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1904.4(a) and 1904.07(b)(3), which were contained in OSHA inspection number 98699, citation number 1, item number 1, 2, 3, and 5a and were affirmed as final order on December 12, 2011, with respect to a workplace located at 1818 County Road 160, Winesburg, Ohio 44690.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	02/27/2016
Proposed Penalty:	\$11000.00

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:** 1818 County Road 160, Winesburg, OH 44690

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

29 CFR 1904.29(b)(3): How quickly must each injury or illness be recorded? You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred:

- a. The employer failed to include case 15-15 on the OSHA 300 Log within seven days of when the condition was reported on August 11, 2015. The employer added the case between October 1, 2015 and November 18, 2015.
- b. On or about August 11, 2015, the employer failed to put a work related injury onto the OSHA 300 log within seven days.
- c. On or about August 11, 2015, the employer failed to put a work related injury onto the OSHA 300 log within seven days.
- d. On or about August 11, 2015, the employer failed to put a work related injury onto the OSHA 300 log within seven days.
- e. On or about August 11, 2015, the employer failed to put a work related injury onto the OSHA 300 log within seven days.
- f. On or about August 11, 2015, the employer failed to put a work related injury onto the OSHA 300 log within seven days.
- g. On or about August 11, 2015, the employer failed to put a work related injury onto the OSHA 300 log within seven days.
- h. On or about August 28, 2015, an employee was injured in the MSC, the employer failed to include the information until sometime between October 1, 2015 and November 23, 2015.

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:** 1095914  
**Inspection Date(s):** 10/01/2015 – 2/09/2016  
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**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc.  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

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Case Farms Processing, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1904.4(a) and 1904.07(b)(3), which were contained in OSHA inspection number 98699, citation number 1, item number 1, 2, 3, and 5a and were affirmed as final order on December 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  
\$11000.00

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:** 1095914  
**Inspection Date(s):** 10/01/2015 – 2/09/2016  
**Issuance Date:** 02/09/2016



**Citation and Notification of Penalty**

**Company Name:** Case Farms Processing, Inc.  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690

**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): Basic requirement. When an authorized government representative asks for the records you keep under Part 1904, you must provide copies of the records within four (4) business hours:

- a. The employer failed to provide OSHA a copy of the 2012 OSHA 300 within four business hours of a request made both verbally and in writing on November 23, 2015.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1100.00

A handwritten signature in black ink, appearing to read "Deborah J. Zubaty", written over a horizontal line.

**Deborah J. Zubaty**  
Area Director

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

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
200 N. High Street, Room 620  
Columbus, OH 43215  
Phone: 614-469-5582 Fax: 614-469-6791



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Case Farms Processing, Inc.  
**Inspection Site:** 1818 County Road 160, Winesburg, OH 44690  
**Issuance Date:** 02/09/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1095914</b>
<b>Citation 1, Repeat</b>	<b>\$22000.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$1100.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$23100.00</b>

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

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

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

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

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

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

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

  
\_\_\_\_\_  
**Deborah J. Zubaty**  
**Area Director**