



Citation and Notification of Penalty

Company Name: Nature's Path USA II LLC
Inspection Site: W227 N6088 Sussex Road, Sussex, WI 53089

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 1 a Type of Violation: **Serious**

29 CFR 1910.95(k)(3)(ii): The employer did not ensure that each employee was informed of the purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use and care:

On or about December 15, 2015, in the production area of the facility, the employer did not provide information and training on the proper fitting and use of hearing protectors for employees who are exposed to noise at or above the action level, as listed below:

- (a) On or about December 15, 2015. An extruder operator was exposed to noise above the Action Level of 50% dose at the 80 dBA threshold level time weighted over the extended work shift. The level monitored was 108.2% during the 721 minute sampling period.
- (b) On or about December 15, 2015. An extruder operator was exposed to noise above the Action Level of 50% dose at the 80 dBA threshold level time weighted over the extended work shift. The level monitored was 94.82% during the 719 minute sampling period.

Certification, with date and method of abatement required.

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/05/2016
\$5500.00

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

Inspection Number: 1108109
Inspection Date(s): 11/24/2015 - 03/24/2016
Issuance Date: 05/17/2016



Citation and Notification of Penalty

Company Name: Nature's Path USA II LLC
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Citation 1 Item 1 b Type of Violation: **Serious**

29 CFR 1910.95(l)(1): The employer did not post of copy of 29 CFR 1910.95 in the workplace:

- (a) The employer did not have a copy of the noise standard posted in the facility to inform employees of the requirements to protect their hearing.

Certification, with date and method of abatement required.

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:

05/25/2016

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: 1108109
Inspection Date(s): 11/24/2015 - 03/24/2016
Issuance Date: 05/17/2016



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Company Name: Nature's Path USA II LLC
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Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(iv): The Exposure Control Plan was not reviewed and updated when necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure:

- (a) The exposure control plan had not been updated on an annual basis to reflect new procedures and protocol for employees being designated to respond to incidents with exposure to blood and body fluids.

Certification, with date and method of abatement required.

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/01/2016
\$5500.00

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: 1108109
Inspection Date(s): 11/24/2015 - 03/24/2016
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Company Name: Nature's Path USA II LLC
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Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1030(d)(4)(ii)(C): Bins, pails, cans or similar receptacles intended for reuse which had a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials were not inspected or decontaminated on a regularly scheduled basis:

- (a) The reusable receptacle used for storage of biohazard waste was overflowing to contaminate the top outside portion of the container and was not decontaminated on a regular basis.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:	05/25/2016
Proposed Penalty:	\$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: Nature's Path USA II LLC
Inspection Site: W227 N6088 Sussex Road, Sussex, WI 53089

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

29 CFR 1910.1030(g)(2)(ii)(B): The employer did not ensure that the training was provided to employees with occupational exposure at least annually:

- (a) The employer had not performed the annual refresher training since March 5, 2014 for an employee with exposure to blood and body fluids when cleaning the area and retrieving severed fingers from the waste bucket for an employee amputation on or about November 24, 2015.
- (b) The employer had not performed the annual refresher training since January 2, 2013 for an employee with exposure to blood and body fluids when cleaning the area and retrieving severed fingers from the waste bucket for an employee amputation on or about November 24, 2015.
- (c) The employer had not performed the annual refresher training since October 8, 2014 for an employee with exposure to blood and body fluids when cleaning the area and retrieving severed fingers from the waste bucket for an employee amputation on or about November 24, 2015.

Certification, with date and method of abatement required.

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated: 06/10/2016
Proposed Penalty: \$5500.00

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

Inspection Number: 1108109
Inspection Date(s): 11/24/2015 - 03/24/2016
Issuance Date: 05/17/2016



Citation and Notification of Penalty

Company Name: Nature's Path USA II LLC
Inspection Site: W227 N6088 Sussex Road, Sussex, WI 53089

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

29 CFR 1910.1200(g)(8): The employer did not maintain copies of the required material safety data sheets for each hazardous chemical in the workplace:

- (a) The employer did not maintain copies of the material safety data sheets (MSDS) or safety data sheets (SDS) for the various grains such as wheat, oats and flax used in the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated: 06/01/2016
Proposed Penalty: \$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: Nature's Path USA II LLC
Inspection Site: W227 N6088 Sussex Road, Sussex, WI 53089

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

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

- (a) The employer had not provided employees voluntarily using disposable N95 filtering dust mask respirators the information in Appendix D of OSHA's Respiratory Protection standard.

The Nature's Path USA II LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.134(c)(2)(I) which was contained in OSHA inspection number 108290 , citation number 2, item number 2, issued on January 25 2012, which was affirmed as a final order on February 14, 2012 with respect to the workplace located at W227 N6088 Sussex Road Sussex, Wisconsin 53089.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Certification of abatement is required by 29 CFR Part 1903 and is to be submitted within (10) calendar days after the abatement date.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/01/2016
\$220.00


for **Christine Zortman**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203
Phone: 414-297-3315 Fax: 414-297-4299



INVOICE / DEBT COLLECTION NOTICE

Company Name: Nature's Path USA II LLC
Inspection Site: W227 N6088 Sussex Road, Sussex, WI 53089
Issuance Date: 05/17/2016

Summary of Penalties for Inspection Number	1108109
Citation 1, Serious	\$27500.00
Citation 2, Repeat	\$220.00
TOTAL PROPOSED PENALTIES	\$27720.00

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.



for **Christine Zortman**
Area Director

5/17/16

Date