

U.S. Department of Labor Occupational Safety and Health Administration
2300 Main Street
Suite 10071
Kansas City, MO 64108



02/03/2023

ZMDR LLC, dba Republic Foods
and its successors
1921 W. US-HWY 50
Lone Jack, MO 64070

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 3000-04R) revised 2018, 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. Please contact me at (816) 483-9531.

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 their dates 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 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such 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,

Rebecca Hart-Schmidt

Karena Lorek
for Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
2300 Main Street
Suite 10071
Kansas City, MO 64108



Citation and Notification of Penalty

To:
ZMDR LLC, dba Republic Foods
and its successors
1921 W. US-HWY 50
Lone Jack, MO 64070

Inspection Number: 1613873
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023

Inspection Site:
1921 W. US-HWY 50
Lone Jack, MO 64070

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 by calling (816) 483-9531. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 02/03/2023. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 10071, Kansas City, MO 64108 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1613873

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070
Issuance Date: 02/03/2023

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, 2300 Main Street, Suite 10071, Kansas City, MO 64108.**

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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: **Willful - Serious**

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of carbon dioxide listed in Table Z-1 in excess of the 8 hour Time Weighted Average concentration of 5,000 parts per million:

The employer is failing to protect employees from chemical exposure hazards associated with carbon dioxide (dry ice) in the fabrication area. This was most recently documented on September 7, 2022, at the worksite located at 1921 West US Highway 50, Lone Jack, Missouri. Employees were exposed to respiratory hazards associated with the exposure of carbon dioxide released by dry ice when employees were exposed to levels in excess of 5,000 ppm.

- a) An employee working in the fabrication area was exposed to an 8 hour time weighted average (TWA) level of 7,100 ppm, which is 1.42 times the OSHA permissible exposure level (PEL) of 5,000 ppm.
- b) An employee working in the fabrication area was exposed to an 8 hour time weighted average (TWA) level of 7,200 ppm, which is 1.44 times the OSHA permissible exposure level (PEL) of 5,000 ppm.
- c) An employee working in the fabrication area was exposed to an 8 hour time weighted average (TWA) level of 7,200 ppm, which is 1.44 times the OSHA permissible exposure level (PEL) of 5,000 ppm.
- d) An employee working in the fabrication area was exposed to an 8 hour time weighted average (TWA) level of 8,000 ppm, which is 1.59 times the OSHA permissible exposure level (PEL) of 5,000 ppm.
- e) An employee working in the fabrication area was exposed to an 8 hour time weighted average (TWA) level of 8,900 ppm, which is 1.78 times the OSHA permissible exposure level (PEL) of 5,000 ppm.
- f) An employee working in the fabrication area was exposed to an 8 hour time weighted average (TWA) level of 10,000 ppm, which is 2 times the OSHA permissible exposure level (PEL) of 5,000 ppm.

ZMDR dba Republic Foods was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 1475907, citation number 1, item number 2/b and was affirmed as a final order on 09-14-2021, with respect to a workplace located at 1921 West US Highway 50, Lone Jack, Missouri.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is

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: 1613873
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 23, 2023
\$156,259.00

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

Citation 1 Item 1 b Type of Violation: **Willful - Serious**

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

a) The employer is failing to protect employees from chemical exposure hazards associated with carbon dioxide in the fabrication area. This was most recently documented on 7 Sep 2022 at the worksite located at 1921 West US Highway 50, Lone Jack, Missouri. Employees were exposed to respiratory hazards when employees were exposed to carbon dioxide levels in excess of the PEL without the use of any effective administrative or engineering controls in place.

ZMDR dba Republic Foods was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 1475907, citation number 1, item number 2/c and was affirmed as a final order on 02-14-2022, with respect to a workplace located at 1921 West US Highway 50, Lone Jack, Missouri.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: **March 23, 2023**
Proposed Penalty: **\$0.00**

Rebecca Hart-Schmidt
for **Karena Lorek**
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
2300 Main Street
Suite 10071
Kansas City, MO 64108



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070
Issuance Date: 02/03/2023

Summary of Penalties for Inspection Number: 1613873

Citation 1 Item 1a, Willful - Serious	\$156,259.00
Citation 1 Item 1b, Willful - Serious	\$0.00

TOTAL PROPOSED PENALTIES: **\$156,259.00**

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.

Rebecca Hart-Schmidt

02/03/2023

for

Karena Lorek
Area Director

Date

U.S. Department of Labor Occupational Safety and Health Administration
2300 Main Street
Suite 10071
Kansas City, MO 64108



02/03/2023

ZMDR LLC, dba Republic Foods
and its successors
1921 W. US-HWY 50
Lone Jack, MO 64070

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 3000-04R) revised 2018, 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. Please contact me at (816) 483-9531.

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 their dates 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 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such 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,

Rebecca Hart-Schmidt

for **Karena Lorek**
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 10071
Kansas City, MO 64108



Citation and Notification of Penalty

To:
ZMDR LLC, dba Republic Foods
and its successors
1921 W. US-HWY 50
Lone Jack, MO 64070

Inspection Number: 1613747
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023

Inspection Site:
1921 W. US-HWY 50
Lone Jack, MO 64070

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 by calling (816) 483-9531. 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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 02/03/2023. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 10071, Kansas City, MO 64108 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1613747

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070
Issuance Date: 02/03/2023

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, 2300 Main Street, Suite 10071, Kansas City, MO 64108.**

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.22(a)(2): The employer did not ensure that the floor of each workroom is maintained in a clean and, to the extent feasible, in a dry condition. The employer did not ensure that when wet processes are used, drainage is maintained and, to the extent feasible, dry standing places, such as false floors, platforms, and mats are provided.

The employer is failing to protect employees from slip, trip and fall hazards. This was most recently documented on August 10, 2022 when the employer did not ensure that the walking-working surfaces in the facility were kept in a clean, orderly, and sanitary condition. Employees working in sections of the facility were required to walk on surfaces covered with water, blood, and portions of carcass that had fallen on the ground in the following instances:

- a) On the floor of the harvest section
- b) On the floor and the stairs located in the tripe room
- c) On the floor of the inedible section

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$14,733.00

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

Inspection Number: 1613747
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.178(q)(1): Any power-operated industrial truck not in safe operating condition was not taken out of service, and/or repairs were not made by authorized personnel:

The employer is failing to protect employees from struck by hazards associated with the use of power-operated industrial trucks that are not in safe operating condition. This was most recently documented on August 10, 2022, and November 3, 2022 when the employer allowed an employee to use a power-operated industrial truck while the back-up light was not operational.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 02, 2023
Proposed Penalty:	\$15,625.00

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: 1613747
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.178(q)(7):Industrial trucks were not examined before being placed in service:

The employer is failing to protect employees from hazards associated with the utilization of powered industrial trucks without first checking their operational status. This was most recently documented on August 10, 2022, and November 3, 2022 when the employer allowed an employee to operate an industrial truck without first performing daily inspections.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 02, 2023
Proposed Penalty:	\$15,625.00

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

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

The employer is failing to protect employees from amputation hazards. This was most recently documented on August 10, 2022 when the employer did not provide guards for openings to portions of an auger.

Machine guarding was not provided in the following instances:

- A) In the tripe room, an employee was exposed to amputation hazards while feeding tripe into an opening of the auger that was located in the southwest corner of the room.
- B) In the inedible room, in the southeast corner, an employee was exposed to amputation hazards when standing directly next to an opening of the auger while inserting the product into the opening.
- C) Outside of the facility, located by exiting the west door of the inedible room, an employee was exposed to amputation hazards while spraying solution onto the product as it was processed in the auger.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 02, 2023
Proposed Penalty:	\$15,625.00

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: 1613747
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

The employer is failing to protect employees from electrical hazards such as electrocution or electrical shock. This was most recently documented on August 10, 2022 when the employer did not ensure that the branch circuits used to provide electrical power in the tripe room of the facility were legibly marked at the overcurrent device to indicate their purposes.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

March 02, 2023
\$12,278.00

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: 1613747
Inspection Date(s): 08/10/2022 - 08/10/2022
Issuance Date: 02/03/2023



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

The employer is failing to protect employees from electrocution and electric shock hazards. This was most recently documented on August 10, 2022 when the employer allowed employees to work near an electrical junction box that had live electrical wires protruding from it as it did not have an approved cover.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$15,625.00

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.305(g)(2)(iii):Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

The employer is failing to protect employees from electrocution and electrical shock hazards. This was most recently documented on August 10, 2022, and November 3, 2022, when the employer allowed the use of electrical cords that were not provided with strain relief to prevent tension from being transmitted to joints or terminal screws. This hazard was noticed on the southern wall in the harvest area where an electrical cord that was showing signs of damage and lack of strain relief strain relief was used to provide electrical power to an in use scale.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 02, 2023
\$15,625.00



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

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

29 CFR 1910.305(g)(1)(iv)(A):Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

The employer is failing to protect employees from electrocution and electric shock hazards. This was most recently documented on August 10, 2022, and November 3, 2022, when the employer allowed employees to use flexible cords and cables as a substitute for the fixed wiring of a structure. This hazard was documented in the following instances:

- A) In the entrance of the fabrication room there is a flexible cord used to power the air compressor that mixes a cleaning solution, water and air for footwear sanitation.
- B) In the northeast section of the fabrication area, there are 3 extension cords that are powering hoists.
- C) In the tripe room, a temporary wire was used on the western wall to provide electrical power to a fan.

ZMDR was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(g)(1)(iv)(A), which was contained in OSHA inspection number 1478081, citation number 1, item number 8 and was affirmed as a final order on 9/14/2021, with respect to a workplace located at 1921 W. US HWY 50, Lone Jack, MO 64070.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

March 02, 2023
\$156,259.00

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.305(g)(1)(iv)(B):Flexible cords and cables were run through holes in walls, ceilings, or floors:

The employer is failing to protect employees from electrocution and electric shock hazards. This was most recently documented on August 10, 2022, and November 3, 2022, when the employer allowed employees to use a flexible cord that was run through holes in the ceiling in the following instances:

A) A flexible cord was used in the southwest section of the fabrication area to provide electrical power to an air compressor located in the ceiling of the facility, the cord traveled through a hole in the ceiling.

B) In the northeast section of the fabrication area, there are at least 3 extension cords that are powering hoists. The cords travel through holes in the ceiling.

ZMDR was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(g)(1)(iv)(B), which was contained in OSHA inspection number 1478081, citation number 1, item number 9a and was affirmed as a final order on 9/14/2021, with respect to a workplace located at 1921 W. US HWY 50, Lone Jack, MO 64070.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	March 02, 2023
Proposed Penalty:	\$0.00



Citation and Notification of Penalty

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.305(g)(1)(iv)(E):Flexible cords and cables were used where concealed behind building walls, ceilings, or floors:

The employer is failing to protect employees from electrocution and electric shock hazards. This was most recently documented on August 10, 2022, and November 3, 2022, when the employer allowed employees to use flexible cords and cables that were concealed behind the ceiling to provide electrical power in the following instances:

A) A flexible cord was used in the southwest section of the fabrication area to provide electrical power to an air compressor located in the ceiling of the facility. A portion of the electrical extension cord set was concealed behind the ceiling.

B) In the northeast section of the fabrication area, there are at least 3 extension cords that are powering hoists. Portions of the electrical cord sets were concealed behind the ceiling.

ZMDR was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(g)(1)(iv)(E), which was contained in OSHA inspection number 1478081, citation number 1, item number 9b and was affirmed as a final order on 9/14/2021, with respect to a workplace located at 1921 W. US HWY 50, Lone Jack, MO 64070.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

March 02, 2023

Proposed Penalty:

\$0.00

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: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070

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

29 CFR 1910.305(j)(2)(vii): A receptacle installed in a wet location where the product intended to be plugged into it was to be attended while in use (for example, portable tools) did not have an enclosure that was weatherproof when the attachment plug cap was removed:

The employer is failing to protect employees from electrocution and electrical shock hazards. This was most recently documented on August 10, 2022 when the employer allowed employees to use an electrical outlet box in a wet location of the harvest area without installing a weatherproof enclosure on the box. The receptacle was powering a scale that was in use.

ZMDR was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(j)(2)(vii), which was contained in OSHA inspection number 1478081, citation number 1, item number 12 and was affirmed as a final order on 9/14/2021, with respect to a workplace located at 1921 W. US HWY 50, Lone Jack, MO 64070.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$156,259.00

for *Rebecca Hart-Schmidt*
Karena Lorek
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2300 Main Street
Suite 10071
Kansas City, MO 64108



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: ZMDR LLC, dba Republic Foods
Inspection Site: 1921 W. US-HWY 50, Lone Jack, MO 64070
Issuance Date: 02/03/2023

Summary of Penalties for Inspection Number: 1613747

Citation 1 Item 1, Serious	\$14,733.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$15,625.00
Citation 1 Item 4, Serious	\$15,625.00
Citation 1 Item 5, Serious	\$12,278.00
Citation 1 Item 6, Serious	\$15,625.00
Citation 1 Item 7, Serious	\$15,625.00
Citation 2 Item 1a, Repeat - Serious	\$156,259.00
Citation 2 Item 1b, Repeat - Serious	\$0.00
Citation 2 Item 1c, Repeat - Serious	\$0.00
Citation 2 Item 2, Repeat - Serious	\$156,259.00

TOTAL PROPOSED PENALTIES: **\$417,654.00**

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.

Rebecca Hart-Schmidt

02/03/2023

for **Karena Lorek**

Date

Area Director