

**U.S. Department of Labor** Occupational Safety and Health Administration  
100 Tri County Parkway, 3rd Floor North  
Cincinnati, OH 45246



11/16/2023

Sugar Creek Packing Co.  
and its successors  
4347 Indeco Ct.  
Blue Ash, OH 45241

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 (513) 841-4132.

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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

**Ken E. Montgomery**  
Area Director

Enclosures

## U.S. Department of Labor

Occupational Safety and Health Administration  
100 Tri County Parkway, 3rd Floor North  
Cincinnati, OH 45246



# Citation and Notification of Penalty

**To:**  
Sugar Creek Packing Co.  
and its successors  
4347 Indeco Ct.  
Blue Ash, OH 45241

**Inspection Number:** 1673386  
**Inspection Date(s):** 05/30/2023 - 11/15/2023  
**Issuance Date:** 11/16/2023

**Inspection Site:**  
2101 Kenskill Avenue  
Washington Court House, OH 43160

*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 (513) 841-4132. 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](http://www.pay.gov). At the top of the 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](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 11/16/2023. The conference will be held by telephone or at the OSHA office located at 100 Tri County Parkway, 3rd Floor North, Cincinnati, OH 45246 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1673386**

Company Name: Sugar Creek Packing Co.  
Inspection Site: 2101 Kenskill Avenue, Washington Court House, OH 43160  
Issuance Date: 11/16/2023

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, 100 Tri County Parkway, 3rd Floor North, Cincinnati, OH 45246.**

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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.28(b)(6)(i): Dangerous equipment. The employer must ensure: (i) Each employee less than 4 feet (1.2 m) above dangerous equipment is protected from falling into or onto the dangerous equipment by a guardrail system or a travel restraint system, unless the equipment is covered or guarded to eliminate the hazard.

a) On or about May 23, 2023, the employer did not protect employees from falling into dangerous equipment while performing work on the ceiling mounted exhaust fan for the Tree Wash. The Tree Wash interior held corrosive chemicals in the floor, had piping that include nozzles mounted on the wall and included fixed plumbing that employees could fall into, onto and through while performing elevated work that required reaching overhead. Due to this condition, exposed employees are exposed to chemical and fall hazards that can result in chemical burn, sprains, broken bones and lacerations.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

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

29 CFR 1910.132(a): Application. Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

a) On or about May 23, 2023, maintenance employees were not provided and required to use body protection for the torso and extremities to prevent physical contact with corrosive chemicals while working in the extrusion department. During service and repair activities for mechanical fan components of the Tree Wash, employees were exposed physical contact hazards associated with ProClean Boil Out which contains sodium hydroxide and can cause severe skin burns.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: December 13, 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:** 1673386  
**Inspection Date(s):** 05/30/2023 - 11/15/2023  
**Issuance Date:** 11/16/2023



**Citation and Notification of Penalty**

**Company Name:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.132(d)(1)(i): Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

a) On May 23, 2023, did not ensure employees used the PPE listed in the hazard assessment for the Tree Wash. Employees did not use an apron, gloves, or face shield or goggles, as listed in the hazard assessment.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.133(a)(1): The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

a) On May 23, 2023, the employer did not ensure employees inside of the Tree Wash removing the exhaust fan wore appropriate eye or face protection while exposed to ProClean Boil Out corrosive chemical solution.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 2023 |
| Proposed Penalty:                       | \$0.00            |



**Citation and Notification of Penalty**

**Company Name:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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 3 a** Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

- (A): A specific statement of the intended use of the procedure;
- (B): Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
- (C): Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and
- (D): Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

a) On or about May 23, 2023, SugarCreek Packing Company utilized inadequate energy control procedures in that the Tree Wash procedures did not address isolation of the water and chemical supply line for the ProClean Boil Out chemical with a pH 12.9-13.4 nor did the procedure address the need to drain and dilute the chemical solution that remains in the bottom of the Tree Wash prior to performing maintenance.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records .

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.147(f)(3)(i): Group lockout or tagout. When servicing and/or maintenance is performed by a crew, craft, department or other group, they shall utilize a procedure which affords the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.

- a) On or about May 23, 2023, the employer did not utilize a group lockout procedure for the maintenance department while 2 employees were located inside the Tree Wash to remove the exhaust fan.
- b) On June 23, 2023, the employer did not utilize a group lockout procedure for the maintenance department while 2 employees disassembled the Hoegger Belly Press.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.147(c)(6)(i): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

(B) The periodic inspection shall be conducted to correct any deviations or inadequacies identified.

(C) Where lockout is used for energy control, the periodic inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure being inspected.

a) On or about May 23, 2023, the employer failed to conduct the annual periodic inspection in that the machine specific procedures were not inspected or reviewed between an inspector and each authorized employee for the Tree Wash procedure. The periodic inspection was not conducted to correct deficiencies and inadequacies in the procedural steps and energy sources in that the chemical energy was not included in the isolation procedures.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 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:** 1673386  
**Inspection Date(s):** 05/30/2023 - 11/15/2023  
**Issuance Date:** 11/16/2023



**Citation and Notification of Penalty**

**Company Name:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.151(c): Medical and first aid. Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

a) On or about May 23, 2023, Sugarcreek Packing Company located in Washington Court House, OH did not ensure that adequate first aid was provided after employee exposure to corrosive chemicals located in the bottom of the Tree Wash in that the emergency shower located near the Tree Wash was not serviceable for use.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: December 13, 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:** Sugar Creek Packing Co.

**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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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 6 a** Type of Violation: **Serious**

29 CFR 1910.1200(h)(3): Training. The employee training did not include the requirements of 29 CFR 1910.1200(h)(3)(i) through (h)(3)(iv):

- (h)(3)(i) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
- (h)(3)(ii) The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;
- (h)(3)(iii) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,
- (h)(3)(iv) The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.

a) On or about May 23, 2023, maintenance employees with exposure to ProClean Boil Out containing sodium hydroxide had not received training for methods and observations used to detect the presence of the chemical in the work area, the physical and health hazards of the hazardous chemical and the measures to protect themselves from the hazards including emergency procedures, such as eye wash and emergency shower use to remove gross chemical contamination. Maintenance employees had exposure to the heated ProClean Boil Out chemical during machine servicing tasks associated with the Tree Wash machine. Health hazards associated with ProClean Boil Out include corrosivity that can result in chemical burns due to skin contact, eye contact and inhalation.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**December 13, 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:** 1673386  
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**Citation and Notification of Penalty**

**Company Name:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.1200(f)(6):The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the information specified under paragraphs (f)(6)(i) through (ii) of this section:

a) On May 30, 2023, the employer did not ensure the Tree Wash containing ProClean Boil Out in the bottom was labeled, tagged or marked to inform employees working in and around the tree wash were aware of the hazards associated with ProClean Boil Out.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records .

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |                   |
|---|-------------------|
| Date By Which Violation Must be Abated: | December 13, 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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.147(c)(7)(i)(A): The employer shall provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees. The training shall include the following:

(A) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.

a) On or about May 23, 2023, SugarCreek Packing Company did not adequately train authorized employees in the recognition of the hazardous energy sources, the type and magnitude of the energy, and methods and means necessary for energy isolation and control hazardous energy sources for the Tree Wash machine. Maintenance employees perform duties covered by this part that include preventive maintenance (belt checks) and exhaust fan repair. During servicing activities for the Tree Wash machine, employees have potential exposure to thermal energy, chemical energy, mechanical energy and steam.

The Sugar Creek Packing Company was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(7)(i)(A), which was contained in OSHA inspection number 1427906, citation number 1 item number 1a and was affirmed as a final order on December 19, 2019, with respect to a workplace located at 2101 Kenskill Avenue Washington Court House, OH 43160.

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:** 1673386  
**Inspection Date(s):** 05/30/2023 - 11/15/2023  
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**Citation and Notification of Penalty**

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**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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The Sugar Creek Packing Company was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(7)(i)(A), which was contained in OSHA inspection number 1581860, citation number 1, item number 1 and was affirmed as a final order on June 15, 2022, with respect to a workplace located at 4235 Thunderbird Lane Fairfield, OH 45014.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: December 13, 2023  
Proposed Penalty: \$85,938.00

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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1910.147(d): Application of control. The established procedures for the application of energy control (the lockout or tagout procedures) shall cover the following elements and actions and shall be done in the following sequence:

(d)(1) Preparation for shutdown. Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(d)(2) Machine or equipment shutdown. The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. An orderly shutdown must be utilized to avoid any additional or increased hazard(s) to employees as a result of the equipment stoppage.

(d)(3) Machine or equipment isolation. All energy isolating devices that are needed to control the energy to the machine or equipment shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source(s).

(d)(4) Lockout or tagout device application.

(d)(4)(i) Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

(4)(ii) Lockout devices, where used, shall be affixed in a manner to that will hold the energy isolating devices in a "safe" or "off" position.

(d)(6) Verification of isolation. Prior to starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that isolation and deenergization of the machine or equipment have been accomplished.

a) On or about May 23, 2023 each authorized employee performing maintenance on the Tree Wash did not perform (d)(1), (d)(3), (d)(4) and (d)(6) prior to entering the Tree Wash to reach the fan bearings. Employees did not properly secure each energy source prior to starting work, including: electrical at the disconnect; chemical supply; chemical drain. Employees were exposed to chemical hazards associated with unexpected machine start-up.

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:** Sugar Creek Packing Co.

**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

b) On or about June 23, 2023 each authorized employee performing maintenance on the Hoegger Belly Press did not perform (d)(4) prior to reaching their hands into the point of operation of the Belly Press. Employees did not properly secure each energy source prior to starting work, including: pneumatic at the valve. Employees were exposed to caught-in hazards associated with unexpected machine start-up.

c) On or about June 23, 2023 each authorized employee performing maintenance on the Drench Cabinet did not perform (d)(1), (d)(3), (d)(4) and (d)(6) prior to entering the cabinet to disassemble for cleaning. Employees did not properly secure each energy source prior to starting work, including: electrical at the disconnect. Employees were to chemical hazards with unexpected machine start-up.

The Sugar Creek Packing Company was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(d), which was contained in OSHA inspection number 1427906, citation number 1 item number 1b and was affirmed as a final order on December 19, 2019, with respect to a workplace located at 2101 Kenskill Avenue Washington Court House, OH 43160.

The Sugar Creek Packing Company was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(d), which was contained in OSHA inspection number 1581860, citation number 1, item number 2 and was affirmed as a final order on June 15, 2022, with respect to a workplace located at 4235 Thunderbird Lane Fairfield, OH 45014.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

December 13, 2023

Proposed Penalty:

\$85,938.00

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:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160

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

29 CFR 1904.39(a)(2):Basic Requirement. Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA.

a) On or about May 30, 2023 the employer did not report an employee's hospitalization to OSHA within twenty-four hours. The employee was hospitalized May 23, 2023 from an injury that occurred at approximately 7:00 PM and the hospitalization was reported to OSHA on May 25, 2023 at approximately 11:20 AM.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

|   |                             |
|---|-----------------------------|
| Date By Which Violation Must be Abated: | Corrected During Inspection |
| Proposed Penalty:                       | \$12,278.00                 |

A handwritten signature in blue ink that reads "Ken E. Montgomery".

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**Ken E. Montgomery**  
Area Director

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**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 Tri County Parkway, 3rd Floor North  
Cincinnati, OH 45246



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Sugar Creek Packing Co.  
**Inspection Site:** 2101 Kenskill Avenue, Washington Court House, OH 43160  
**Issuance Date:** 11/16/2023

Summary of Penalties for Inspection Number: 1673386

|                                       |             |
|---------------------------------------|-------------|
| Citation 1 Item 1, Serious            | \$15,625.00 |
| Citation 1 Item 2a, Serious           | \$15,625.00 |
| Citation 1 Item 2b, Serious           | \$0.00      |
| Citation 1 Item 2c, Serious           | \$0.00      |
| Citation 1 Item 3a, Serious           | \$15,625.00 |
| Citation 1 Item 3b, Serious           | \$0.00      |
| Citation 1 Item 4, Serious            | \$15,625.00 |
| Citation 1 Item 5, Serious            | \$15,625.00 |
| Citation 1 Item 6a, Serious           | \$15,625.00 |
| Citation 1 Item 6b, Serious           | \$0.00      |
| Citation 2 Item 1, Repeat - Serious   | \$85,938.00 |
| Citation 2 Item 2, Repeat - Serious   | \$85,938.00 |
| Citation 3 Item 1, Other-than-Serious | \$12,278.00 |

**TOTAL PROPOSED PENALTIES:** **\$277,904.00**

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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 at [www.pay.gov](http://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.

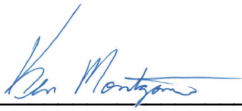
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



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**Ken E. Montgomery**

Area Director

November 16, 2023

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Date