

**Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (920) 734-4521.**

**U.S. Department of Labor** Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914  
Phone: (920) 734-4521 Fax: (920) 734-2661



September 19, 2018

Dear Brad Bothun,

On 03/28/2018, an OSHA compliance officer met with you or your representative as part of an inspection at 1350 Lime Kiln Road Green Bay, WI 54311. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

  
Robert J. Bonack, Area Director

### **Your Citation Summary**

JBS Green Bay, Inc.  
Inspection Number: 1304856

**Total Amount Due: \$157,053.00**  
**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 5**  
**Your First Correction Deadline is:  
10/18/2018**

### **Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

#### **Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

#### **Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

#### **Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

#### **Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Robert J. Bonack, Area Director, at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

 \_\_\_ / \_\_\_

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 \_\_\_ / \_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 \_\_\_ / \_\_\_

2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

 \_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

 \_\_\_ / \_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



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## Citation and Notification of Penalty

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**To:**  
JBS Green Bay, Inc.  
and its successors  
1330 Lime Kiln Road  
Green Bay, WI 54311

**Inspection Number:** 1304856  
**Inspection Date(s):** 03/28/2018 - 09/05/2018  
**Issuance Date:** 09/19/2018

**Inspection Site:**  
1350 Lime Kiln Road  
Green Bay, WI 54311

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

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

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

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 920-734-4521. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/19/2018. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1304856**

Company Name: JBS Green Bay, Inc.  
Inspection Site: 1350 Lime Kiln Road, Green Bay, WI 54311  
Issuance Date: 09/19/2018

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, 1648 Tri Park Way, Appleton, WI 54914**

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.28(b)(1)(i): (1) Unprotected sides and edges. (i) Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following: Guardrail systems; safety net systems; or personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems.

- (a) Employees were exposed to fall hazards of approximately 8 feet 8 inches on the Palletizer #1 located in the distribution center when going through the guardrail to access the machine to straighten boxes and clear jams.
- (b) Employees were exposed to fall hazards of approximately 10 feet on the upper sorting conveyor located in the mezzanine of the distribution center when accessing the conveyor to clear jams via ladder or walking on the conveyor from the operator station.
- (c) Employees were exposed to fall hazards of approximately 53 inches on the outdoor loading dock located in the yard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/18/2018
Proposed Penalty:	\$9239.00





**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.28(b)(3)(iv): (iv) Each employee is protected from falling into a ladderway floor hole or ladderway platform hole by a guardrail system and toeboards erected on all exposed sides, except at the entrance to the hole, where a self-closing gate or an offset must be used;

- (a) Maintenance employees accessing the elevated work platform located on table 6 in fabrication were exposed to fall hazards of approximately 10 feet as there was no self-closing gate or offset provided to the ladderway.
- (b) Maintenance employees accessing the elevated work platform located on table 3 in fabrication were exposed to fall hazards of approximately 10 feet as there was no self-closing gate or offset provided to the ladderway.
- (c) Maintenance employees accessing the elevated work platform for hide conveyor #2 located in the blood room were exposed to fall hazards of approximately 6 feet 5 inches as there was no self-closing gate or offset provided to the ladderway.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 10/18/2018

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

**Inspection Number:** 1304856  
**Inspection Date(s):** 03/28/2018 - 09/05/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.30(a)(1): (a) Fall hazards. (1) Before any employee is exposed to a fall hazard, the employer must provide training for each employee who uses personal fall protection systems or who is required to be trained as specified elsewhere in this subpart. Employers must ensure employees are trained in the requirements of this paragraph on or before May 17, 2017.

Operators located in the distribution center were not trained in the nature of the fall hazards in their work area, how to recognize them, or procedures to be followed to minimize those hazards. Employees were exposed to fall hazards in excess of 4 feet while clearing jams and arranging boxes on the Palletizer #1 and sorting conveyors.

Date By Which Violation Must be Abated:

10/18/2018

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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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 1910.147(c)(4)(i): Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

On or about March 28, 2018, procedures for the Palletizer #1, #2, and sorting conveyors located in the distribution center were not developed and documented for employees performing maintenance and servicing tasks including clearing jams.

Note: Exception: The employer need not document the required procedure for a particular machine or equipment, when all of the following elements exist: (1) The machine or equipment has no potential for stored or residual energy or reaccumulation of stored energy after shut down which could endanger employees; (2) the machine or equipment has a single energy source which can be readily identified and isolated; (3) the isolation and locking out of that energy source will completely deenergize and deactivate the machine or equipment; (4) the machine or equipment is isolated from that energy source and locked out during servicing or maintenance; (5) a single lockout device will achieve a locker-out condition; (6) the lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance; (7) the servicing or maintenance does not create hazards for other employees; and (8) the employer, in utilizing this exception, has had no accidents involving the unexpected activation or reenergization of the machine or equipment during servicing or maintenance.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/18/2018
Proposed Penalty:	\$9239.00



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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**Citation 1 Item 2 b** Type of Violation: **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 sequence as required by 29 CFR 1910.147(d)(1)-(6):

On or about March 20, 2018, an employee was exposed to caught-in hazards and ingoing nip points of an exposed chain and sprocket driving the box rake on a HK Systems Model VG2200-4840-LH-REPD palletizer #1 located in the distribution center. The employer did not ensure employees implemented energy control application steps prior to them engaging in clearing jams on the palletizer. An employee attempted to clear a box jam with the machine energized resulting in the box rake cycling after the box was removed from the photo eye. The machine was not deenergized prior to the employee engaging in the servicing/maintenance activity.

As a result, the remaining applicable energy control elements, involving machine isolation [1910.147(d)(3)], lockout/tagout device application [1910.147(d)(4)], dissipation of residual energy [1910.147(d)(5)(i)], and verification of isolation [1910.147(d)(6)] were not implemented to protect employees from machine servicing hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 10/18/2018



### Citation and Notification of Penalty

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

- (a) Employees operating the Palletizer #1 and #2 located in the distribution center were exposed to the chain and sprocket for the box rake without adequate machine guarding to keep them from accessing the ingoing nip points and rotating parts.
- (b) Employees operating the custom made pneumatically operated stuffer machine for chucks and clods located in front packing were exposed to pinch points and struck by hazards created by the unguarded ram.
- (c) Employees operating the custom made pneumatically operated ribeye stuffer machine located in front packing were exposed to pinch points and struck by hazards created by the unguarded ram.
- (d) Employees operating the Cryovac Vacuum sealer located in the value added room were exposed to pinch points and rotating parts without adequate guarding to prevent employee access.
- (e) Employees operating the Cryovac Vacuum sealer located on line #5 were exposed to pinch points and rotating parts without adequate guarding to prevent employee access.
- (f) Employees operating and passing by the custom made pneumatically operated barrel dumper were exposed to unguarded struck by hazards and caught in hazards.
- (g) Employees operating the Southern Packaging Machinery Corporation Box Formers #1-3 located in the box forming room were exposed to ingoing nip points, pinch points, and struck by hazards without adequate machine guarding to prevent employees from accessing the danger areas.
- (h) Employees inspecting and clearing the manure shaker screen located in the kill floor tunnel were exposed to an unguarded auger exposing employees ingoing nip points and rotating parts.

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:** 1304856  
**Inspection Date(s):** 03/28/2018 - 09/05/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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(i) Employees inspecting and cleaning around the rotary screen were exposed to an inadequately guarded auger that did not prevent employees from accessing the ingoing nip points and rotating parts.

(j) Employees operating the Razor Edge Systems, Inc. Hollow Grinder located in the knife sharpening room were exposed to the ingoing nip point created between the grinder wheels.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/18/2018
Proposed Penalty:	\$9239.00

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.212(a)(1): Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices,electronic safety devices, etc.

- (a) Employees working at the shackler location of the fabrication conveyor were exposed to ingoing nip points created by the overhead conveyor located approximately 79 inches from the floor.
- (b) Employees working in trim upgrade were exposed to ingoing nip points created by the Industrial Fabrication Inc. conveyors without adequate guarding to prevent employee access.
- (c) Employees working in trim upgrade were exposed to rotating hydraulic drive shafting from the Industrial Fabrication Inc. conveyors without adequate guarding to prevent employee access.
- (d) Employees passing by the side puller located in the harvest room were exposed to unguarded struck by hazards and pinch points.
- (e) Employees working in the blood room were exposed to ingoing nip points created by an unguarded conveyor.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 10/18/2018  
Proposed Penalty: \$129336.00

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

**Inspection Number:** 1304856  
**Inspection Date(s):** 03/28/2018 - 09/05/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.305(b)(2)(i): All pull boxes, junction boxes, and fittings shall be provided with covers identified for the purpose. If metal covers are used, they shall be grounded. In completed installations, each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

On or about April 10, 2018, an electrical outlet box near the tripe trimmer located in the kill floor tunnel did not have a cover.

Date By Which Violation Must be Abated:	10/18/2018
Proposed Penalty:	\$0.00

A handwritten signature in cursive script that reads "Robert J. Bonack".

**Robert J. Bonack**  
Area Director



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1350 Lime Kiln Road, Green Bay, WI 54311  
**Issuance Date:** 09/19/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1304856</b>
<b>Citation 1, Serious</b>	<b>\$27717.00</b>
<b>Citation 2, Willful</b>	<b>\$129336.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$157053.00</b>

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

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

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

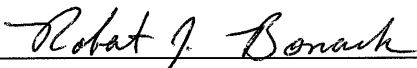
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

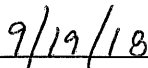
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

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

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

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

  
\_\_\_\_\_  
**Robert J. Bonack**  
Area Director

  
\_\_\_\_\_  
Date

Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (920) 734-4521.

**U.S. Department of Labor** Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914  
Phone: (920) 734-4521 Fax: (920) 734-2661



September 19, 2018

Dear Brad Bothum,

On 04/24/2018, an OSHA compliance officer met with you or your representative as part of an inspection at 1330 Lime Kiln Road Green Bay, WI 54311. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Robert J. Bonack, Area Director

### Your Citation Summary

JBS Green Bay, Inc.  
Inspection Number: 1310739

**Total Amount Due: \$64,673.00**  
**Payment Due Date: 15 working days**  
**after receipt of**  
**this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 7**  
**Your First Correction Deadline is:**  
**10/29/2018**

## Step 1 – Choose a Response Option and *Act within 15 working days*

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

### Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

### Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

### Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

### Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (920) 734-4521.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Robert J. Bonack, Area Director, at (920) 734-4521 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

 \_\_\_ / \_\_\_

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 \_\_\_ / \_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 \_\_\_ / \_\_\_

2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

 \_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

 \_\_\_ / \_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



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## Citation and Notification of Penalty

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**To:**  
JBS Green Bay, Inc.  
and its successors  
1330 Lime Kiln Road  
Green Bay, WI 54311

**Inspection Number:** 1310739  
**Inspection Date(s):** 04/24/2018 - 08/03/2018  
**Issuance Date:** 09/19/2018

**Inspection Site:**  
1330 Lime Kiln Road  
Green Bay, WI 54311

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

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

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

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 920-734-4521. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

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

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

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

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/19/2018. The conference will be held by telephone or at the OSHA office located at 1648 Tri Park Way, Appleton, WI 54914 on \_\_\_\_\_ at \_\_\_\_\_.

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



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1310739**

Company Name: JBS Green Bay, Inc.  
Inspection Site: 1330 Lime Kiln Road, Green Bay, WI 54311  
Issuance Date: 09/19/2018

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, 1648 Tri Park Way, Appleton, WI 54914**

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.28(b)(13)(i): When work is performed less than 6 feet (1.6 m) from the roof edge, the employer must ensure each employee is protected from falling by a guardrail system, safety net system, travel restraint system, or personal fall arrest system:

On or about July 23, 2018 at the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not ensure a Refrigeration employees was protected from falling by using a guardrail system, safety net system, traveling restraint system or personal fall arrest system when the employee was exposed to a fall from the roof edge to the ground (greater than 24 feet) while accessed the Air Storage Tank on the north side of the roof above the Kill Floor Locker Room. The employee placed a portable ladder less than 6 feet from the roof edge to access the pressure relief valve at the top of the Air Storage Tank.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/29/2018
Proposed Penalty:	\$9239.00



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.28(b)(13)(ii): When work is performed at least 6 feet (1.6 m) but less than 15 feet (4.6 m) from the roof edge, the employer must ensure each employee is protected from falling by using a guardrail system, safety net system, travel restraint system, or personal fall arrest system:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not ensure Refrigeration employees were protected from falling by using a guardrail system, safety net system, traveling restraint system or personal fall arrest system when employees were exposed to falls while performing work at least 6 feet, but less than 15 feet from the roof edge when Refrigeration employees accessed the roof to access the Rupp HVAC unit to conduct filter changes, check belts and grease equipment on the northeast corner of the roof. Employees were exposed to falls from the roof edge to the next level (approximately 15 feet) and to the ground (approximately 28 feet) when walking toward the Rupp HVAC unit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 10/29/2018



## **Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.28(b)(13)(iii): When work is performed 15 feet (4.6 m) or more from the roof edge, the employer must protect each employee from falling by a guardrail system, safety net system, travel restraint system, personal fall arrest system or a designated area and implement and enforce a work rule prohibiting employees from going within 15 feet (4.6 m) of the roof edge without using fall protection in accordance with paragraphs (b)(13)(i) and (b)(13)(ii):

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not protect Refrigeration employees from falling by a guardrail system, safety net system, traveling restraint system, personal fall arrest system or a designated area nor did the employer implement and enforce a work rule prohibiting employees from going within 15 feet of the roof edge without using fall protection when employees accessed the roof:

- a) At the Rupp HVAC Unit; employees were exposed to falls from the roof edge to the next level (approximately 15 feet) and to the ground (approximately 28 feet) when they changed filters, checked belts and greased equipment on the Rupp HVAC unit. Falls hazards were present along both sides of the northeast corner of the roof.
- b) At the Evaporator Control Stations above the Upper Dock; employees were exposed to falls from the roof edge to the next level (approximately 15 feet) and to the ground (approximately 30 feet) when they walked towards and worked on the Evaporator Control Stations. Fall hazards were present along the roof edge directly above the Upper Docks and along the roof edge west of the Upper Docks.
- c) At the Evaporators above the New Engine Room; employees were exposed to falls from the roof edge to the ground (greater than 13 feet) when they accessed the roof and inspected valves and equipment by the Evaporators above the New Engine Room. Fall hazards were present along the roof edge directly above the New Engine Room on the south side of the building.
- d) At the Kill Floor Roof Access door; employees were exposed to falls from the roof edge to the ground (greater than 15 feet) when they used the access door to get to the Kill Floor HVAC Unit and Air Storage Tank on the northeast side of the building. Fall hazards were present along the roof edge to the west of the Kill Floor Access door.

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:** 1310739  
**Inspection Date(s):** 04/24/2018 - 08/03/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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e) At the Kill Floor HVAC Unit; employees were exposed to falls from the roof edge when they changed filters, checked belts and greased equipment on the Kill Floor HVAC Unit. Fall hazards were present along the north roof edge adjacent to the Air Storage Tank to the ground (greater than 24 feet) and along the south roof edge above the Kill Floor Roof Access area (greater than 10 feet).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 10/29/2018

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.28(b)(15): Except as provided elsewhere in this section or by other subparts of 29 CFR part 1910, the employer must ensure each employee on a walking-working surface 4 feet (1.2 m) or more above a lower level is protected from falling by guardrail system, safety net system, or personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

On or about July 23, 2018 at the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not ensure a Refrigeration employees was protected from falls by using a guardrail system, safety net system, traveling restraint system or personal fall arrest system when the employee was exposed to falls of approximately 8-9 feet when accessing and working from the top of the:

- a) Kill Floor Air Storage Tank located on the roof on the northeast side of the facility.
- b) Rendering Floor Air Storage Tank located on the roof on the southwest side of the facility.

Date By Which Violation Must be Abated:

10/29/2018

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

**Inspection Number:** 1310739  
**Inspection Date(s):** 04/24/2018 - 08/03/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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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 1910.119(d)(3)(i)(A): The employer shall complete a compilation of written process safety information. This process safety information shall include information pertaining to the equipment in the process including materials of construction:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not compile process safety information including the make, model or serial numbers for the Sight Glass installed on the ENEHPR (V-2) High Pressure Receiver of the New Side of the Ammonia Refrigeration System (ARS).

Date By Which Violation Must be Abated:	10/29/2018
Proposed Penalty:	\$9239.00



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(d)(3)(i)(B): The employer shall complete a compilation of written process safety information. This process safety information shall include information pertaining to the equipment in the process including piping and instrument diagrams (P&ID's):

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not complete a compilation of all written process safety information (PSI) regarding the piping and instrument diagrams:

- a) On PID-1 valve HS2.04 was drawn as a Plain End Gate valve. The employer's PSI document titled "Vavlelist Master" identifies valve HS2.04 as a Globe type valve.
- b) In the New Engine Room at High Stage Compressor #2, Globe valve HS2.08 on PID-1 was not labeled, marked or tagged to identify the valve.
- c) In the New Engine Room at High Stage Compressor #2, Spring Operated Relief Valve HS2.0C was not labeled, marked or tagged to identify the valve.
- d) In the New Engine Room at V-1 Accumulator, PID-5 was drawn to show a three-way tee junction between valves V1.11 and V1.22 upstream of a four-way cross junction between valves V1.06, V1.17 and V1.P07. However, on the system valve V1.P07 tees into the line prior to the four-way cross junction.
- e) In the New Engine Room at V-1 Accumulator, PID-5 identifies a valve as V1.P07. On the system, the valve V1.P07 was tagged as such. The employer's PSI document titled "Vavlelist Master" did not define V1.P07.
- f) In the New Engine Room at V-1 Accumulator, PID-5's symbol of Spring Operated Relief Valve V4.01A was not drawn as Spring Operated Relief Valves were defined on PID-Symbols.
- g) In the New Engine Room at V-1 Accumulator, Valve V4.01A was tagged as V4.07A. The employer's PSI document titled "Vavlelist Master" did not define V4.07A.

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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- h) In the New Engine Room at V-1 Accumulator, PID-5 did not identify two dead-ended lines located above the accumulator on RV line 2176 downstream of PSV V1.37.
- i) Below the Kill Floor Locker Room at EBCE Blood Chiller, a Pressure Indicator (gauge) was red line drawn onto PID-8 between valve V8.17 and V8.09. The Pressure Indicator was not identified on PID-8 with a number and was not labeled, marked or tagged on the system.
- j) Below the Kill Floor Locker Room at EBCE Blood Chiller, valve V8.09 was drawn as an Expansion valve on PID-8. The employer's PSI document titled "Vavlelist Master" defined valve V8.09 as a Glove valve.
- k) Below the Kill Floor Locker Room at EBCE Blood Chiller, PID-8 identified an Indicator Light with a "G" notation above Solenoid Valve SV V8.04. No Indicator Light was present on the system and the "G" notation was not defined on PID-8 or PID-Symbols.
- l) In the Old Engine Room at V-1 Accumulator, PID-05 was red lined to eliminate a section of pipe and valves below the accumulator. However, red lines were not present on PID-05 to show the changed lines downstream of valve V1.63. On the system valve V1.63 teed and connected to Pump V1-LP1.
- m) In the Old Engine Room at V-1 Accumulator, PID-05 depicted either a Line Cap or Diaphragm between valve Flanged End Butterfly valve V1.44 and Flanged End Globe valve V1.44A which was not present on the system.
- n) In the Old Engine Room at V-1 Accumulator, PID-05 depicted two HTRL lines bypassing each other between Flanged End Globe valves V1.69, V1.71 and Angle valves V1.82, V1.70B. The two HTRL lines on the system actually intersected and were a four-way cross junction.
- o) In the Old Engine Room at V-1 Accumulator, PID-05 depicted a Line Cap inline between Flanged End Globe valves V1.71 and V1.71A on an HTRL line. The Line Cap on the system was perpendicular to the HTRL line.
- p) In the Old Engine Room at V-1 Accumulator, PID-05 depicted an Angle type valve V1.15 teed off of the EQL line between valves V1.12 and V1.11. On the system, V1.15 was not found on the EQL

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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line.

- q) In the Old Engine Room at V-1 Accumulator, PID-05 depicted an Angle type valve V1.12 on an EQL line upstream of valves V1.11 and V1.03. On the system, valves were tagged in the order of V1.11 upstream of V1.12 and V1.03.
- r) In the Old Engine Room at V-1 Accumulator, PID-05 depicted Flanged End Globe valve V1.93 upstream of and Angle type valve V1.94 on a HTRL line. On the system, valve V1.94 was upstream of V1.93.
- s) In the Old Engine Room at HS-3 High Stage Compressor, PID-2 depicted Flanged End Globe valve HS2.03 downstream of an Angle type valve HS3.25 on a HSS line. On the system, valve HS2.03 was upstream of valve HS3.25.
- t) In the Old Engine Room at HS-3 High Stage Compressor, PID-2 depicted each RV lines downstream of PSV HS3.09 and PSV HS3.11 terminating independently to atmosphere. On the system, the RV lines after PSV HS3.09 and PSV HS3.11 teed into a larger RV line which contained junctions from at least three other RV lines from the Old Engine Room.
- u) The following Angle valves reviewed on the P&IDs were not defined on the PID-Symbols; V1.82, V1.70B, V1.15, V1.94, V1.12 on PID-05; HS3.25, HS3.23, HS3.22, HS3.08 on PID-2
- v) The following valves on the system were installed with plugs; HS2.001 on PID-1, V8.17 on PID-8, V1.94 on PID-05 and HS3.18, HS3.24, HS3.19, HS3.07 on PID-2. However, those valves' associated P&IDs were either drawn with a Line Cap or nothing at all. PID-Symbols did not define valve plugs

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

**10/29/2018**

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

**Inspection Number:** 1310739  
**Inspection Date(s):** 04/24/2018 - 08/03/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(d)(3)(i)(E): The employer shall complete a compilation of written process safety information. This process safety information shall include information pertaining to the equipment in the process including ventilation system design:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not complete a compilation of all written process safety information (PSI) including ventilation system design. The employer did not include ventilation calculations for heat load in the Old Engine room for normal ventilation.

Date By Which Violation Must be Abated: 10/29/2018

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

**Inspection Number:** 1310739  
**Inspection Date(s):** 04/24/2018 - 08/03/2018  
**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(d)(3)(i)(F): The employer shall complete a compilation of written process safety information. This process safety information shall include information pertaining to the equipment in the process including design codes and standards employed:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not complete a compilation of all written process safety information (PSI) including design codes and standards employed. The employer utilized International Institute of Ammonia Refrigeration (IIAR) Bulletin 114 in order to label ammonia refrigeration system (ARS) pipes and vessels in a standardized method. However, the employer did not include Bulletin 114 in their PSI.

Date By Which Violation Must be Abated: 10/29/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(d)(3)(ii): The employer shall document that equipment complies with recognized and generally accepted good engineering practices:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not document that equipment complied with recognized and generally accepted good engineering practices (RAGAGEP):

- a) The ammonia detection systems in the Old Engine Room and New Engine Room were set to trigger the emergency ventilation at a concentration of 35 parts per million (ppm) of ammonia. The employer implemented IIAR 2-2014 for the design of the ammonia detectors which required the detectors to trigger the emergency ventilation at a concentration of 25 ppm of ammonia.
- b) The ammonia detection systems in the Old Engine Room and New Engine Room would not automatically de-energize any equipment at any concentration of ammonia. The employer implemented IIAR 2-2014 for design of the ammonia detectors which required the automatic de-energization of refrigerant compressors, refrigerant pumps and normally closed automatic refrigerant valves that were not part of an emergency control system if ammonia concentrations equaled or exceeded the upper detection limits of the sensors or a concentration of 40,000 ppm (25% LFL).
- c) The Transfer Vessel (Vessel #3 EATV in the Old Machine Room) was not marked/labeled with the pressure level of the vessel. The employer implemented IIAR Bulletin 114-2014 for identification of ARS piping and system components which required labels to including the pressure level (high or low) for system components such as transfer vessels.
- d) The Pump Out Vessel (Vessel #4 EPOV4 in the Old Machine Room) was not marked/labeled with the pressure level of the vessel. The employer implemented IIAR Bulletin 114-2014 for identification of ARS piping and system components which required labels to including the pressure level (high or low) for system components such as transfer vessels.
- e) On header of the TSS line upstream of High Stage Compressors 1 through 3 was a label that designated the line as TL. The employer implemented IIAR Bulletin 114-2014 for identification of

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

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**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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ARS piping. Neither the employers PID-01, PID-Symbols nor the IIAR Bulletin 114-2014 include a designation or definition of TL

f) On the CD line above the TSS line upstream of High Stage Compressors 1 through 3 was a label that designated the line as CL. The employer implemented IIAR Bulletin 114-2014 for identification of ARS piping. Neither the employers PID-01, PID-Symbols nor the IIAR Bulletin 114-2014 include a designation or definition of CL.

g) All six (6) ammonia pressure-relief discharges were directed to discharge parallel to the roof surface and the west-most pressure relief discharge above the New Engine Room was directed towards the roof ladder access point. The employer implemented IIAR 2-2014 and ASHRAE 15-2013 which each required ammonia discharge not to spray directly on personnel. IIAR 2-2014 also required ammonia discharges to be directed upwards.

Date By Which Violation Must be Abated:	10/29/2018
Proposed Penalty:	\$9239.00

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

**Inspection Number:** 1310739  
**Inspection Date(s):** 04/24/2018 - 08/03/2018  
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**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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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 4 a** Type of Violation: **Serious**

29 CFR 1910.119(f)(1): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not develop and implement written operating procedures that provided clear instructions for safely conducting activities when Refrigeration employees were conducting Shutdown and Isolation of evaporators, such as but not limited to ECC1E17, ECC3C87, ERB134. Employees were conducting Shutdown and Isolation of those evaporators in a method other than how the written operating procedures' step-by-step prescribed.

Date By Which Violation Must be Abated:	10/29/2018
Proposed Penalty:	\$9239.00

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:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(f)(1)(i): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address steps for each operating phase:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not develop and implement written operating procedures that provided clear instructions in the written Standard Operating Procedure for:

- a) Old Side Compressor #10 (EHSAC10) during the operating phases for Initial Startup, Normal Startup, Startup After Shutdown and Isolation and Startup After Emergency Shutdown. The written procedures did not include step(s) to manually load the compressor.
- b) Old Side Compressor #10 (EHSAC10) during the operating phase for Emergency Shutdown and Emergency Operations. The written SOP did not include clear conditions under which emergency shutdown would be required and did not contain the assignment of shutdown responsibilities to qualified operators.
- c) Old Side Evaporator (EBR134) during the operating phase for Emergency Shutdown. The written SOP did not include clear conditions under which emergency shutdown would be required.
- d) New Side Evaporator (ECC3C87) during the operating phase for Emergency Shutdown. The written SOP did not include clear conditions under which emergency shutdown would be required.
- e) New Side Evaporator (ECC1E17) during the operating phase for Emergency Shutdown. The written SOP did not include conditions under which emergency shutdown would be required and did not contain the assignment of shutdown responsibilities to qualified operators.
- f) New Side Compressor #2 (EHSC2NE) during the operating phase for Emergency Shutdown and Emergency Operations. The written SOP did not include clear conditions under which emergency shutdown would be required

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g) New Side Thermosiphon Vessel (EOPV5) during the operating phase for Emergency Shutdown. The written SOP did not include conditions under which emergency shutdown would be required and did not contain the assignment of shutdown responsibilities to qualified operators.

Date By Which Violation Must be Abated: 10/29/2018

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

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**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
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**Citation 1 Item 4 c Type of Violation: **Serious****

29 CFR 1910.119(f)(1)(iii)(B): The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information and shall address safety and health considerations including precautions necessary to prevent exposure, including engineering controls, administrative controls, and personal protective equipment;

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer's written Standard Operating Procedures (SOP) did not address the safety and health considerations including precautions necessary to prevent exposure through engineering controls. The "Engineering and Administrative Controls to Prevent Exposure" sections of SOPs for Evaporators ERB134, ECC1E17, and ECC3C87 listed ventilation and ammonia detectors as engineering controls which were not present in the evaporator areas.

**Date By Which Violation Must be Abated:** **10/29/2018**



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(j)(2): The employer shall establish and implement written procedures to maintain the on-going integrity of process equipment:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer did not establish and implement written procedures to maintain the on-going integrity of process equipment. The employer's written Mechanical Integrity Schedules and Work Orders were not of sufficient detail to provide Refrigeration employees instructions on how to conduct inspections, tests and preventative maintenance of equipment such as, but not limited to: evaporative condensers, ammonia pumps, air units and screw compressors. Work orders generically assigned tasks to be complete and Mechanical Integrity Schedule referenced specific maintenance work back to the equipment manufacturers' instructions or recommendations:

- a) Evaporative Condenser Mechanical Integrity Schedule referenced to follow manufacturer recommendations for proper freeze-up protection.
- b) Recirculated Durco Ammonia Pumps Mechanical Integrity Schedule referenced to follow manufacturer's maintenance manual for defrost, and follow manufacturer's recommendations for draining oil
- c) Work Order #428318370 contained a step stating "Grease motor and fan shaft bearing". Air Units Mechanical Integrity Schedule made no reference and contained no steps for greasing motor and fan shaft bearings.
- d) Screw Compressor Mechanical Integrity Schedule referenced manufacturer recommended compressor oil for flushing/filling canister, directed to consult manufacture maintenance manual for re-lubrication and referenced manufacture for recommended oil in oil review and analysis.

Date By Which Violation Must be Abated: 10/29/2018  
Proposed Penalty: \$9239.00

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**  
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**Issuance Date:** 09/19/2018



**Citation and Notification of Penalty**

**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience:

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the frequency of inspections and tests of process equipment was not consistent with applicable manufacturers' recommendations and good engineering practices. The employer did not schedule or conduct all inspections contained in the employer's Mechanical Integrity Schedules for equipment such as:

- a) Evaporative Condensers monthly inspections and PM were not being conducted
- b) Screw Compressor monthly check and record oil filter DP were not being conducted

Date By Which Violation Must be Abated: 10/29/2018  
Proposed Penalty: \$9239.00

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**Company Name:** JBS Green Bay, Inc.  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.119(n): The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in 29 CFR 1910.120 (a), (p) and (q):

At the facility located at 1330 Lime Kiln Road, Green Bay, WI 54311; the employer's Emergency Response and Action Plan did not include distinctions of small versus large releases of anhydrous ammonia from the Old Side and/or New Side Ammonia Refrigeration Systems (ARS). The plan did not authorize or inform employees to automatically evacuate in case of a large or catastrophic release of anhydrous ammonia.

Date By Which Violation Must be Abated: 10/29/2018  
Proposed Penalty: \$9239.00

A handwritten signature in cursive script, reading "Robert J. Bonack", written over a horizontal line.

**Robert J. Bonack**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1648 Tri Park Way  
Appleton, WI 54914



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** JBS Green Bay, Inc.  
**Inspection Site:** 1330 Lime Kiln Road, Green Bay, WI 54311  
**Issuance Date:** 09/19/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1310739</b>
<b>Citation 1, Serious</b>	<b>\$64673.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$64673.00</b>

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

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

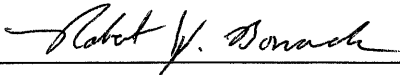
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

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

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

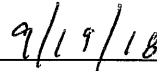
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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

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



**Robert J. Bonack**

Area Director



Date