Occupational Safety and Health Administration Dr. A.H. McCoy Federal Bldg. 100 West Capitol Street, Suite 749 Jackson, MS 39269



Citation and Notification of Penalty

To: Wayne Farms, LLC and its successors P.O. Box 328 Laurel, MS 39440

Inspection Site: 525 Wayne Drive Laurel, MS 39440

Inspection Number: 1374931

Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019

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 601-965-4606. 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. 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. If you have any dispute with the accuracy of the information displayed, please contact this office.

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

| have a right to attend an informal confe | erence |
|--|--|
| at | . Employees and/or representatives of employees |
| McCoy Federal Bldg. 100 West Capito | l Street, Suite 749, Jackson, MS 39269 on |
| 07/25/2019. The conference will be hel | ld by telephone or at the OSHA office located at Dr. A.H |
| An informal conference has been scheo | duled with OSHA to discuss the citation(s) issued on |

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1374931

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Issuance Date: 07/25/2019

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, Dr. A.H. McCoy Federal Bldg. 100 West Capitol Street, Suite 749, Jackson, MS 39269

| Citation Number By (Method of Abate | and Item Number ment): | was corrected on | |
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| Citation Number and Item Number By (Method of Abatement): | was corrected on |
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| Citation Number and Item Number By (Method of Abatement): | was corrected on |
| I certify that the information contained in representatives have been informed of the | this document is accurate and that the affected employees and their 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

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Inspection Number: 1374931

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.29(b)(2)(i): Midrails were not installed at a height midway between the top edge of the guardrail system and the walking-working surface:

a) On or about January 30, 2019, at Wayne Farm's LLC in Laurel, MS, employees accessing the upper level walking platform where the evaporative condensers are located were exposed to fall hazards of approximately 30 feet to the ground, due to a missing midrail.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/02/2019 \$9472.00 U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 2 Type of Violation: Serious

29 CFR 1910.119(d)(3)(ii): The employer did not document that equipment complies with recognized and generally accepted good engineering practices.

(a) On or about January 27, 2019 at Wayne Farm's LLC in Laurel, MS, an ammonia refrigeration condenser was not equipped with a pressure relief device as recommended by manufacturer's operating manual.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/02/2019 \$13260.00

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Inspection Number: 1374931

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.119(j)(3): The employer did not train each employee involved in maintaining the ongoing integrity of process equipment in the procedures applicable to the employee's job tasks to ensure that the employee can perform the job tasks in a safe manner:

a) On or about January 29, 2019 at Wayne Farm's LLC in Laurel, MS, each ammonia refrigeration maintenance technician or operator had not been trained to use an alternative over-pressure safety procedure in lieu of a hydrostatic safety relief valve to prevent shut- in liquid ammonia filled pipes from rupturing and causing the released of 2100 pounds of Anhydrous Ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

U.S. Department of Labor Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Inspection Number: 1374931

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment was not consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

a) On or about January 29, 2019, at Wayne Farm's LLC in Laurel, MS, the employer did not performed testing, and inspections on Condenser EC-6, in accordance with manufacturer recommendations, to discover and prevent corrosion or other mechanical integrity discrepancies that could cause equipment failure.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

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

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

<u>Citation 1 Item 5</u> Type of Violation: **Serious**

29 CFR 1910.119(l)(1): The employer did not establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and, changes to facilities that affect a covered process:

- (a) On or about January 27, 2019 at Wayne Farm's LLC in Laurel, MS, the 2014 PHA indicated that prior to 2014 all condensers were equipped with safety relief valves. At some point after 2014 relief devices were removed from all condensers without a management of change (MOC) being performed to determine the effects of this change on the safety of the ammonia refrigeration system.
- (b) On or about January 27, 2019 at Wayne Farm's LLC in Laurel, MS, Condenser EC-6 was installed in 2015 as an upgrade to the existing ammonia refrigeration system without a MOC performed to determine the effects this change on the safety of the existing ammonia refrigeration system.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

Inspection Number: 1374931 Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 6 Type of Violation: Serious

29 CFR 1910.119(n): Emergency planning and response. The employer did not establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38.

- a) On or about January 29, 2019 the employer did not establish and implement an employee alarm system in accordance with the provisions of 29 CFR 1910.38 (d) which requires that employers use a distinctive signal for each purpose (fire, inclement weather, and the release of hazardous chemicals) and comply with the requirements of 29 CFR 1910.165.
- b) On or about January 27, 2019, the alarm system to indicate inclement weather, fire and the release of hazardous chemicals was not operational due to no electrical power to the alarm system. Employees were exposed to the hazard of burns, hazardous chemical and/or to inclement weather.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 7 Type of Violation: Serious

29 CFR 1910.120(f)(3)(i)(B): Medical examinations and consultations were not made available by the employer to each employee covered under 29 CFR 1910.120(f)(2)(i), (ii), and (iv) at least once every 12 months unless the attending physician believed a longer interval (not greater than biennially) is appropriate:

a) On or about January 29, 2019 at Wayne Farm's LLC in Laurel, MS, a medical surveillance for Response Team members that are exposed to hazardous substances or health hazards at or above the permissible exposure limits was not made available.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

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

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 8 Type of Violation: Serious

29 CFR 1910.134(g)(1)(i)(A): Respirators with tight-fitting face-pieces were worn by employees who had facial hair that came between the sealing surface of the face-piece and the face or that interfered with valve function:

a) On or about January 27, 2019, at Wayne Farm's LLC in Laurel, MS, employees donned respirators with facial hair that interfered with the seal of the tight fitting full face mask respirator. Employees were exposed to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/02/2019 \$7577.00

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 9 Type of Violation: Serious

29 CFR 1910.134(h)(2)(ii)(A): Emergency respirators were not kept accessible to the work area:

(a) Waynes Farm's LLC emergency response trailer located north of the safety office near the northwest side of the facility, the night of the anhydrous ammonia release the emergency response equipment was locked in a trailer and not accessible to the emergency response team members. The employees were exposed to anhydrous ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/02/2019 \$13260.00

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

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 1 Item 10 Type of Violation: Serious

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

(a) On or about January 27, 2019, at Wayne Farm's LLC in Laurel, MS, a written hazard communication program had not been developed and implemented for employees working in and around the hazardous chemical anhydrous ammonia.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/16/2019 \$7577.00

Inspection Number: 1374931

Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

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

29 CFR 1904.7(b)(5): The employer did not record on the OSHA 300 Log a work-related injury or illness where the employee received medical treatment beyond first aid;

On or about January 27, 2019, at Wayne Farm's LLC in Laurel, MS, four employees that were treated beyond first aid were not listed on the OSHA 300 logs.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/02/2019 \$1895.00

Inspection Number: 1374931 Occupational Safety and Health Administration Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

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

29 CFR 1910.120(g)(5)(viii): The personal protective equipment (PPE) program did not address PPE inspection procedures prior to, during, and after use:

a) On or about January 29, 2019, at Wayne Farm's LLC in Laurel, MS, the employer did not inspect before and after the use of Level B suits that were worn during the release of 2100 pounds of Anhydrous Ammonia according to the manufacturer guidelines.

Date By Which Violation Must be Abated: Proposed Penalty:

08/16/2019 \$0.00

Occupational Safety and Health Administration

Inspection Number: 1374931

Inspection Date(s): 01/31/2019 - 01/31/2019

Issuance Date: 07/25/2019



Citation and Notification of Penalty

Company Name: Wayne Farms, LLC

Inspection Site: 525 Wayne Drive, Laurel, MS 39440

Citation 2 Item 3 Type of Violation: Other-than-Serious

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

(a) On or about January 27, 2019, at Wayne Farm's LLC in Laurel, MS, Wayne Farm's did not provide a medical evaluation to determine employees ability to use a respirator. Employees were exposed to an inhalation hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: Proposed Penalty:

08/16/2019

\$0.00

Courtney Bohannon
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
Dr. A.H. McCoy Federal Bldg.
100 West Capitol Street, Suite 749
Jackson, MS 39269



INVOICE / DEBT COLLECTION NOTICE

Company Name:

Wayne Farms, LLC

Inspection Site:

525 Wayne Drive, Laurel, MS 39440

Issuance Date: 0

07/25/2019

Summary of Penalties for Inspection Number 1374931
Citation 1, Serious \$117446.00
Citation 2, Other-than-Serious \$1895.00
TOTAL PROPOSED PENALTIES \$119341.00

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

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

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

account, the bank will attempt to make the transfer up to 2 times.

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

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

<u>Delinquent Charges</u>: 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.

Courtney Bohannon

Area Director

7-25-19

Date