

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
690 S. Loop 336 West  
Suite 400  
Conroe, TX 77304  
Phone: 936-760-3800 Fax: 936-760-3327



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## Citation and Notification of Penalty

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**To:**  
La Espiga de Oro, Inc.  
and its successors  
1202 West 15th Street  
Houston, TX 77008

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016

**Inspection Site:**  
1202 West 15th Street  
Houston, TX 77008

*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. 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 08/01/2016. The conference will be held by telephone or at the OSHA office located at 690 S. Loop 336 West, Suite 400, Conroe, TX 77304 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1156638**

Company Name: La Espiga de Oro, Inc.  
Inspection Site: 1202 West 15th Street, Houston, TX 77008  
Issuance Date: 08/01/2016

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, 690 S. Loop 336 West, Suite 400, Conroe, TX 77304**

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to being struck-by unstable stored material.

On or about June 20, 2016, employees in the freezer storage area were exposed to struck-by hazards while working near a storage rack that had missing and damage structural support legs. Material was stored above the non-supported areas.

Among other feasible methods to correct the identified hazard, one method would be to follow the requirements found in the American National Standards Institute, standard MH16.1 (2008), Specification for the Design, Testing and Utilization of Industrial Steel Storage Racks, section 1.4.1. Owner Maintenance: which requires regular inspections for damage and if damage is found, immediately unload the affected area and replace or repair any damaged columns, beams, or other structural components.

Date By Which Violation Must be Abated: 08/11/2016  
Proposed Penalty: \$3500.00

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition:

On or about June 20, 2016, in the warehouse area, employees were exposed to a slip hazard when walking and working in the area where the floor was not maintained in a dry condition.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/05/2016  
\$2800.00

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

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.23(a)(8): Every floor hole into which persons can accidentally walk were not guarded.

On or about June 20, 2016, and at times prior thereto, employees in the elevated area of the corn process room were exposed to trip and fall hazards while using a stair landing area with a hole in the steel grating floor, that had not been covered or guarded.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/08/2016  
\$2800.00

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

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

**Inspection Number:** 1156638  
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**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards.

On or about June 20, 2016, employees in the corn process room were exposed to fall hazards exceeding four feet while working at the edge of an open-sided floor without fall protection.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/11/2016
Proposed Penalty:	\$4900.00

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

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.23(e)(1): Standard railing(s) did not consist of top rail, intermediate rail and/or posts and/or did not have a vertical height of 42 inches (106.7 cm) nominal from upper surface of top rail to floor, platform runway, or ramp level.

On or about June 20, 2016, and at times prior thereto, employees in the corn process room were exposed to fall hazards exceeding four feet while working at the edge of an open-sided floor provided with a railing that did not have a vertical height of 42 inches nominal.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/18/2016

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

The following violations were observed on or about June 20, 2016.

- a. In the Chip Fryer Room, where employees were exposed to an egress hazard when working in an area with a locked emergency exit door that required special knowledge to exit.
- b. In the Warehouse Storage Area, east wall, where employees were exposed to an egress hazard when working in an area with a locked emergency exit door that required special knowledge to exit.
- c. In the Product Storage Area, east wall, where employees were exposed to an egress hazard when working in an area with a locked emergency exit door that required special knowledge to exit.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/11/2016
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

On or about June 20, 2016, in the Warehouse Area, where employees were exposed to a fire hazard when working in the area where an emergency exit sign was pointing in the wrong direction.

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

**08/05/2016**  
**\$2100.00**

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

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source and rendered inoperative.

On or about June 20 and June 21, 2016, employees throughout the facility were exposed to struck-by, caught-in, thermal and electrical hazards when performing service or maintenance on corn and flour processing machines, tumbler and cooling conveyors, without an established energy control program.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/18/2016
Proposed Penalty:	\$4900.00

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 8** Type of Violation: **Serious**

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

The following violations were observed on or about June 20 and 21, 2016:

- a. In the Corn Packing Room were employees were exposed to a caught-in hazard when collecting the corn tortillas at the exit of the cooling conveyor #6 without adequate guarding of the exit rollers.
- b. In the Flour Packing Room were employees were exposed to a caught-in hazard when collecting the flour tortillas at the exit of the cooling conveyor #5 without adequate guarding of the exit rollers.
- c. In the Flour Process Room where employees were exposed to a struck-by hazard when working around the Flour Dough Lifter without guarding.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/11/2016
Proposed Penalty:	\$4900.00



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.212(a)(3)(ii): Point(s) of operation of machinery were not guarded to prevent employee(s) from having any part of their body in the danger zone(s) during operating cycle(s):

The following violations were observed on or about June 20, 2016.

- a. In the corn packing room, where employees were exposed to struck-by and caught-in hazards when operating the Tumbler Machine without a point of operation guard.
- b. In the corn packing room, where employees were exposed to struck-by and caught-in hazards when operating the Tortilla Chip Piston Cutter without a point of operation guard.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/11/2016
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.212(a)(5): Fan blade guard(s) were not provided where the periphery of the blades was less than seven feet from the floor or working level:

The following violations were observed on or about June 20, 2016:

- a. In the Corn Packing Room were employees were exposed to a struck-by hazard when walking by and working near a large floor fan without a guard.
- b. In the Corn Process Room, elevated area, were employees were exposed to a struck-by hazard when walking by and working near a wall fan without a guard.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/11/2016  
\$3500.00

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

The following violations were observed on or about June 20 and 21, 2016:

- a. In the Corn Process Room, elevated area, where employees were exposed to a caught-by hazard of a projecting shaft end when operating the mixer without guarding the shaft by a non-rotating cap or safety sleeve.
- b. In the Flour Production Room were employees were exposed to a caught-by hazard of a projecting shaft end when operating the mixer #2 without guarding the shaft by a non-rotating cap or safety sleeve.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/11/2016
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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 12 a      Type of Violation: **Serious**

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

On or about June 20, 2016, in the Corn Process Room, where employees were exposed to a caught-in hazard when working near and walking by machine #6 without a guard on the pulley.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00

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

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

**Inspection Number:** 1156638  
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**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
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Citation 1 Item 12 b      Type of Violation: **Serious**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

On or about June 20, 2016, in the Corn Process Room, where employees were exposed to a caught-by hazard when working near and walking by machine #6 without a guard on the belt.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/11/2016

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed.

On or about June 21, 2016, and at times prior thereto;

- a. An employee in the flour process room was exposed to caught-by hazards when working and walking near the motor driven chain and sprocket of the flour processing machine # 1 without a guard enclosing the chain and sprocket.
- b. An employee in the flour process room was exposed to caught-by hazards when working and walking near the motor driven chain and sprocket of the flour processing machine # 4 without a guard enclosing the chain and sprocket.
- c. An employee in the corn process room was exposed to caught-by hazards when working and walking near the motor driven chain and sprocket on the corn processing machine # 4 without a guard enclosing the chain and sprocket.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/11/2016
Proposed Penalty:	\$4900.00

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

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**Company Name:** La Espiga de Oro, Inc.  
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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i..

On or about June 20, 2016, and at times prior thereto, employees in the corn process room were exposed to struck-by hazards while blowing off equipment with compressed air without reducing the pressure to less than 30 p.s.i.

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

**08/09/2016**  
**\$3500.00**

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:** La Espiga de Oro, Inc.  
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**Citation 1 Item 15** Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

The following violations were observed on or about June 20, 2016:

- a. In the Corn Packing Room where employees were exposed to an electrical hazard when utilizing and working around an electrical quad box without it being installed and used in accordance with instructions included in the listing and labeling.
- b. In the Ingredient Room, where employees were exposed to an electrical hazard when utilizing and working around an electrical single outlet box without it being installed and used in accordance with instructions included in the listing and labeling.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/11/2016  
\$3500.00



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 16** Type of Violation: **Serious**

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures, or other means listed under this provision.

On or about June 20, 2016, and at times prior thereto;

- a. In the warehouse, behind the corrosive chemicals, where employees were exposed to electrical hazards while working near an unguarded live electrical parts.
- b. In the elevated area of the corn process room, where employees were exposed to electrical hazards while working near an unguarded live bare conductor wires.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/08/2016
Proposed Penalty:	\$4900.00



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
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**Citation 1 Item 17** Type of Violation: **Serious**

29 CFR 1910.304(f)(1)(iv): Overcurrent devices for circuits rated 600 volts, nominal, or less, were not readily accessible to each employee or authorized building management personnel:

The following violations were observed on or about June 20, 2016:

- a. In the Corn Packing Room above cooling conveyor #4, employees were exposed to electrical, struck by and caught hazards when working at cooling conveyor #4, where the disconnect switch was not accessible for ready and safe operation.
- b. In the Corm Packing Room, near the Tumbler machine, employees were exposed to electrical, caught in and struck by hazards when working on the Tumbler, where the disconnect switch and breaker panel were not accessible for ready and safe operation.
- c. In the Warehouse area, employees were exposed to electrical, caught in or struck by hazards where the electrical disconnect and breaker panel for outlets and lighting were not accessible for ready and safe operation.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/05/2016  
\$3500.00

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

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**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 18** Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

On or about June 20, 2016, in the Chip Frying Area, employees were exposed to electrical hazards when operating breakers in a circuit breaker panel where unused openings were not effectively closed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00

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

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 19** Type of Violation: **Serious**

29 CFR 1910.305(d)(2): Panelboards were not mounted in cabinets, cutout boxes, or enclosures designed for the purpose and/or were not dead front:

On or about June 20, 2016, in the silo area where employees were exposed to electrical hazards when working in and walking through the silo area around the Number One panel without the panel having a dead front.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 20** Type of Violation: **Serious**

29 CFR 1910.305(g)(2)(ii): Flexible cords were not used only in continuous lengths without splice or tap:

The following violations were observed on or about June 20, 2016:

- a. In the Corn Process Room were employees were exposed to an electrical hazard when operating the Machine #6 with a spliced flexible cord without the cord being of continuous length without approved splice or tap.
- b. In the Corn Process Room, elevated area, were employees were exposed to an electrical hazard when walking by and working near a wall fan with a spliced electrical cord without the cord being of continuous length without approved splice or tap.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(ii): There was a defect or evidence of damage that could have exposes an employee to injury and the defective or damaged item was not removed from service and an employee was using it before repairs and tests necessary to render the equipment safe were made.

On or about June 20, 2016

- a. Employees in the corn packing room were exposed to electrical hazards while operating a fan that had a damaged cord, and the fan was not removed from service.
- b. Employees in the ingredient room were exposed to electrical hazards while operating a scale that had a damaged cord and the scale had not been removed from service.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/08/2016
Proposed Penalty:	\$4900.00

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1904.32(a)(2): The employer did not create an annual summary of injuries and illnesses recorded on the OSHA 300 log.

This violation occurred on or about June 20, 2016, where the employer had more than 10 employees but did not create an annual summary of injuries and illnesses.

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

**08/08/2016**  
**\$1000.00**

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:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.303(b)(7)(i): Unused openings in boxes, raceways, auxillary gutters, cabinets, equipment cases, or housings were not effectively closed to afford protection substantially equivalent to the wall of the equipment:

On or about June 20, 2016, and at times prior thereto;

- a. In the corn packing area, where employees were operating the tumbler electrical switch box without all unused openings being effectively closed.
- b. In the corn packing area, where employees were operating the electrical control box of the corn cooling conveyor # 6 without all unused openings being effectively closed.
- c. In the corn packing area, where employees were operating the electrical control box of the corn cooling conveyor # 5 without all unused openings being effectively closed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/09/2016  
\$0.00

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

**Inspection Number:** 1156638  
**Inspection Date(s):** 06/20/2016 - 07/20/2016  
**Issuance Date:** 08/01/2016



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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

29 CFR 1910.305(a)(2)(x): Flexible cords and cables were not protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points:

On or about June 20, 2016, in the corn process room an extension cord was in use without being protected from accidental damage or pinch points.

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

**08/08/2016**  
**\$0.00**

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



**Citation and Notification of Penalty**

**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008

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**Citation 2 Item 4** Type of Violation: **Other-than-Serious**

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

On or about June 20, 2016, and at times prior thereto.

- a. In the corn packing area, on the east wall, where employees were working near an electrical junction box without a cover.
- b. In the warehouse, behind the corrosive chemicals, where employees were working near an outlet without a cover.
- c. In the forklift charging station area, where employees were working near an electrical junction box without a cover.

Date By Which Violation Must be Abated:  
Proposed Penalty:

08/11/2016  
\$0.00

  
107 **Joann J. Figueroa**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
690 S. Loop 336 West  
Suite 400  
Conroe, TX 77304  
Phone: 936-760-3800 Fax: 936-760-3327



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** La Espiga de Oro, Inc.  
**Inspection Site:** 1202 West 15th Street, Houston, TX 77008  
**Issuance Date:** 08/01/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1156638</b>
<b>Citation 1, Serious</b>	<b>\$88900.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$1000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$89900.00</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.

for Joann J. Figueroa  
Joann J. Figueroa  
Area Director

8/11/2016  
Date