

U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
Phone: 315-451-0808 Fax: 315-451-1351



Citation and Notification of Penalty

To:
Terrell's Potato Chip Co., Inc.
and its successors
Mr. Jack Terrell
218 Midler Park Drive
Syracuse, NY 13206

Inspection Number: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013

Inspection Site:
218 Midler Park Drive
Syracuse, NY 13206

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. 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 \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 12/20/2013. The conference will be held by telephone or at the OSHA office located at 3300 Vickery Road, North Syracuse, NY 13212 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 915128

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206
Issuance Date: 12/20/2013

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, 3300 Vickery Road, North Syracuse, NY 13212**

Citation Number 1 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 3b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 7 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 9b was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 10 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 11 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 12 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 13 was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 14a was corrected on _____
By (Method of Abatement): _____

Citation Number 1 and Item Number 14b was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 1 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 2 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 3 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 4 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 5 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 6 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 7a was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 7b was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 8 was corrected on _____
By (Method of Abatement): _____

Citation Number 2 and Item Number 9 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

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

Inspection Number: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.22(c): Covers and/or guardrails were not provided to protect personnel from the hazards of open pits, drains, tanks, vats, ditches, etc.:

- a) **Frying Room, on or about 6/27/13: Grating was missing in two areas over the floor drain in front of the fryer leaving a 11" X 14" hole and a 7" X 14" hole.**
- b) **Potato Peeling Room, on or about 6/27/13: Grating was missing in two areas over the floor drain in front of the potato peeling equipment leaving a 5" X 14" hole and a 6" X 14" hole.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/25/2014
\$3080.00

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: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 1 Item 2 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:

a) **Bagging Room, on or about 6/27/13: Standard guardrails were missing at one end of a catwalk, approximately 7 feet from floor level and the pipe railing on the back side was bent and disconnected.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/25/2014
\$3850.00

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: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

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

29 CFR 1910.36(d)(1): An exit door must be unlocked:

a) Back Garage, on or about 6/27/13: Exit door was locked.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/31/2013
\$3850.00

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: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

a) Back Garage, on or about 6/27/13: The path to the front exit door was blocked by a mower and scrap metal pieces and the path to the public way outside the door was blocked by plastic containers of used oils.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:

12/31/2013

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: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.37(a)(4): Safeguard(s) designed to protect employees during an emergency (e.g., sprinkler systems, alarm systems, fire doors, exit lighting), were not in proper working order at all times:

- a) **Back Garage/Back Warehouse, on or about 6/27/13: The exit sign lighting was not working over the front exit door.**
- b) **Back Garage, on or about 6/27/13: The exit sign lighting was not working over the back exit door and the exit door was stuck, coming off its hinges and would not close properly after being opened.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/02/2014
\$2310.00

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: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.110(e)(4)(iii): Permanent and removable fuel containers were not securely mounted to prevent jarring loose, slipping, or rotating:

a) Back Garage, on or about 6/27/13: A LP gas container on a Nissan forklift was not secured to prevent jarring loose, slipping or rotating in that both safety latches were broken.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/31/2013
\$3080.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a) **Bagging Room, on or about 6/27/13: Lockout procedures were not being utilized in that an employee was cleaning the inside of a Hayssen bagging machine without locking out the energy sources on the machine.**

b) **Bagging Room, upper mezzanine, on or about 6/27/13: Lockout procedures were not being utilized in that two employees were cleaning the vibratory conveyor and chutes without locking out the energy sources to the machine.**

Abatement documentation must be submitted for these items.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/02/2014
Proposed Penalty:	\$5390.00

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

Inspection Number: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

- a) Back Garage, on or about 6/27/13: A Buckeye portable fire extinguisher on a Nissan forklift was discharged.**
- b) Back Garage, on or about 6/27/13: There were two portable fire extinguishers located on the floor near the back exit door that were discharged.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated: 01/02/2014
Proposed Penalty: \$2310.00

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: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.219(c)(4)(ii): The unused keyway(s) of projecting shaft end(s) were not filled up or covered:

a) Potato Unloading Area, on or about 6/27/13: Projecting shaft end with keyway driving the conveyor was not guarded.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/10/2014
\$3080.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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 9 a 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:

- a) **Frying Room, on or about 6/27/13: The on/off switch to a Lasko fan was rewired to the outside of the frame of the fan and hanging by wires and not being used in accordance with the listing or labeling.**
- b) **Bagging Room, on or about 6/27/13: An orange extension cord was wired directly into the motor for the takeout conveyor with the grounding wire sticking out. Cord was not being used in accordance with the listing and labeling.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/10/2014
\$3080.00



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, and enclosures was not permanent, continuous, and effective:

- a) **Frying Room, on or about 6/27/13: A Lasko box fan was not grounded in that it was only a two wire cord.**
- b) **Bagging Room, on or about 6/27/13: The takeout conveyor was not grounded in that an orange extension cord was wired directly into a junction box on the motor for the conveyor and the grounding wire was not attached.**
- c) **Bagging Room, on or about 6/27/13: A Max Performance pedestal fan was not grounded in that the ground pin was missing from the plug end.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated:

01/02/2014

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

Inspection Number: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.303(b)(8)(i): Electrical equipment was not firmly secured to the surface on which it was mounted:

a) Production Shop Area, on or about 6/27/13: An electrical disconnect switch box for the battery charger was not secured in place.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/02/2014
\$2310.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 1 Item 11 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 use of approved cabinets or other forms of approved enclosures or by any of the means identified in paragraphs (A), (B), (C), and (D) of 29 CFR 1910.303(g)(2)(i):

a) **Frying Room, on or about 6/27/13: A 220 volt electrical panel was open where employees are required to access the starter control for the salter which is located inside the panel, exposing employees to live electrical parts.**

b) **Area across from Frying Room, on or about 6/27/13: A 110 volt control panel for the stretch wrap machine had the cover removed, exposing live electrical parts.**

Abatement documentation must be submitted for these items.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/02/2014
Proposed Penalty:	\$5390.00



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 1 Item 12 Type of Violation: **Serious**

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

- a) Production Shop Area, on or about 6/27/13: Extension cords providing current to a stretch wrap machine were strung overhead and being used as permanent wiring.**
- b) Bagging Room, on or about 6/27/13: Extension cord providing current to a fan being used inside the Hayssen bagger #3 was being used as permanent wiring.**
- c) Bagging Room, on or about 6/27/13: Flexible cords providing current to the low level feeder was strung up overhead and being used as permanent wiring.**

Abatement certification must be submitted for these items.

Date By Which Violation Must be Abated:	01/10/2014
Proposed Penalty:	\$2310.00

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

Inspection Number: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

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

a) Production Shop Area, on or about 6/27/13: Flexible cord for the battery charger was pulled loose from the plug fitting, no strain relief provided.

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

01/02/2014
\$2310.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 1 Item 14 b Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

- a) Back Garage/Warehouse Area, on or about 6/27/13: There were five blue barrels/containers of oils located outside the exit door that were not labeled as to their appropriate hazard warnings.**
- b) Garage Area, on or about 6/27/13: There were numerous containers of liquids in red plastic containers and five gallon pails located near the back exit door that were not labeled as to their appropriate hazard warnings.**

Abatement certification must be submitted for this item.

Date By Which Violation Must be Abated:

01/02/2014



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition:

a) Truck Shop, on or about 6/27/13: Poor housekeeping throughout the shop in that containers, parts, equipment, tools, trash, etc. were laying on the floor.

Abatement documentation must be submitted for this item.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 1a and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/10/2014
Proposed Penalty:	\$4620.00



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program were understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls were acquired by employees:

a) At the establishment, on or about 6/27/13: Training was not provided to all authorized and affected employees on the lockout/tagout program and procedures to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of the energy controls and that the purpose and function of the energy control program was understood by employees. Servicing and/or maintenance is performed by employees on various pieces of equipment, including, but not limited to fryer, cardboard baler, bagging machines, waste water settling tanks, etc.

Abatement documentation must be submitted for this item.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 2b and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/25/2014
Proposed Penalty:	\$10780.00



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

- a) **Shipping & Receiving Area, Bread Room, on or about 6/27/13: Pallets of cardboard boxes were not secure and stable against sliding and collapse.**
- b) **Back Warehouse, on or about 6/27/13: A pallet of boxes of paper records on the storage rack was not secure and stable from sliding and collapsing.**
- c) **Back Garage, Warehouse Area, on or about 6/27/13: Pallets of carley canisters were not secure and stable from sliding and collapse.**
- d) **Back Garage, Warehouse Area, on or about 6/27/13: Pallets of cardboard boxes were not secure and stable against sliding and collapse.**

Abatement documentation must be submitted for these items.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 4 and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, New York.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/10/2014
Proposed Penalty: \$7700.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 4 Type of Violation: **Repeat**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by rotating parts and ingoing nip points:

- a) **Potato Unloading Area, on or about 6/27/13: Ingoing nip points on the truck unload conveyor belt and idler pulleys in two areas were not guarded.**
- b) **Frying Room, on or about 6/27/13: Salter on fryer, rotating spinner shaft at the salter and ingoing nip points at the takeaway conveyor were not guarded.**
- c) **Bagging Room, on or about 6/27/13: Ingoing nip points on a conveyor belt were not guarded in that sections of the plastic conveyor belting were broken and missing creating a nip point hazard.**
- d) **Bagging Room, on or about 6/27/13: Ingoing nip points on an inclined conveyor belt and sprocket at the discharge end onto a turntable for the Haysen bagging machine #3 were not guarded.**

Abatement documentation must be submitted for these items.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 5 and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, New York.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/25/2014
Proposed Penalty:	\$10780.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 5 Type of Violation: **Repeat**

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):

- a) **Bagging Room, on or about 6/27/13: Point of operation on a Hayssen bagging machine #5 was not guarded where the jaws close to seal and cut each bag, in that the interlocked doors were missing.**
- b) **Bagging Room, on or about 6/27/13: Point of operation on a Hayssen bagging machine #3 was not adequately guarded in that the right door was open and the interlock was not functioning on the door.**

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 6 and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

Abatement documentation must be submitted for this item.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/10/2014
Proposed Penalty:	\$7700.00



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1910.212(a)(4): Revolving drum(s), barrel(s), or container(s) were not guarded by enclosure(s) which were interlocked with the drive mechanism so that the barrel(s), drum(s), or container(s) could not revolve unless the enclosure(s) were in place:

a) Frying Room, on or about 6/27/13: Revolving tumbler in the wash tank located before the fryer was not guarded.

Abatement documentation must be submitted for this item.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 7 and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/02/2014
Proposed Penalty:	\$7700.00

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

Inspection Number: 915128
Inspection Date(s): 06/27/2013 - 06/27/2013
Issuance Date: 12/20/2013



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

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

Citation 2 Item 7 a **Type of Violation: Repeat**

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):

a) Bagging Room, on or about 6/27/13: Pulleys driving a turntable at the Hayssen bagging machine #3 were not guarded.

Abatement documentation must be submitted for this item.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 8a and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/25/2014
Proposed Penalty:	\$6160.00

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: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 7 b Type of Violation: **Repeat**

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs 42 inches or less from the floor level were not fully enclosed by guards conforming to requirements specified in 29 CFR 1910.219(m) and (o):

a) Bagging Room, on or about 6/27/13: A leather riveted belt driving a turntable at the Hayssen bagging machine #3 was not guarded.

Abatement documentation must be submitted for this item.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 8a and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/25/2014



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 8 Type of Violation: **Repeat**

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

a) **Frying Room, on or about 6/27/13: Chain and sprockets driving the orienting rolls before the tumbler washer were not guarded.**

b) **Bagging Room, on or about 6/27/13: Chain and sprocket driving the conveyor belt from the Hayssen bagging machine #3 to the turntable located at floor level was not guarded.**

Abatement documentation must be submitted for these items.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard, which was contained in OSHA inspection number 312372170, Citation number 1, Item number 9 and was affirmed as a final order on 12/18/09, with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/25/2014
Proposed Penalty:	\$7700.00



Citation and Notification of Penalty

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206

Citation 2 Item 9 Type of Violation: **Repeat**

29 CFR 1910.303(b)(7)(iv): There were damaged parts that may adversely affect safe operation or mechanical strength of the equipment, such as parts that are broken, bent, cut, or deteriorated by corrosion, chemical action or overheating.

- a) **Frying Room, on or about 6/27/13: Flexible conduit was pulled loose from the motor fitting for the tumbler.**
- b) **Frying Room, on or about 6/27/13: An electrical disconnect switch for the slicer located along the back wall behind the fryer was rusted out on the bottom exposing electrical conductors.**

Abatement documentation must be submitted for these items.

The Terrell's Potato Chip Co., Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard which was contained in OSHA inspection number 312372170, Citation number 2, Item number 2 and was affirmed as a final order on 12/18/09 with respect to a workplace located at 218 Midler Park Drive, Syracuse, NY.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/25/2014
Proposed Penalty: \$7700.00

A handwritten signature in black ink, appearing to read "Chris Adams", written over a horizontal line.

Christopher Adams, CIH, CSP
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
3300 Vickery Road
North Syracuse, NY 13212
Phone: 315-451-0808 Fax: 315-451-1351



INVOICE / DEBT COLLECTION NOTICE

Company Name: Terrell's Potato Chip Co., Inc.
Inspection Site: 218 Midler Park Drive, Syracuse, NY 13206
Issuance Date: 12/20/2013

Summary of Penalties for Inspection Number	915128
Citation 1, Serious	\$44660.00
Citation 2, Repeat	\$70840.00
TOTAL PROPOSED PENALTIES	\$115500.00

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 \$50,000 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.

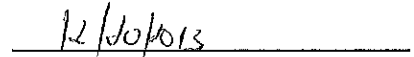
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Christopher Adams, CIH, CSP

Area Director



Date