

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1141 Montlimar Drive  
Suite 1006  
Mobile, AL 36609  
Phone: 251-441-6131 Fax: 251-441-6396



## Citation and Notification of Penalty

**To:**  
Wayne Farms, LLC  
and its successors  
4110 Continental drive  
Oakwood, GA 30566

**Inspection Number:** 975114  
**Inspection Date(s):** 04/29/2014 - 07/11/2014  
**Issuance Date:** 10/27/2014

**Inspection Site:**  
1020 County Road 114  
Jack, AL 36346

*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](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 \$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](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 10/27/2014. The conference will be held by telephone or at the OSHA office located at 1141 Montlimar Drive, Suite 1006, Mobile, AL 36609 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 975114**

Company Name: Wayne Farms, LLC

Inspection Site: 1020 County Road 114, Jack, AL 36346

Issuance Date: 10/27/2014

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, 1141 Montlimar Drive, Suite 1006, Mobile, AL 36609**

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:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346

#### **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 serious physical harm to employees, in that employees were required to perform manual tasks involving ergonomic risk factors including, but not limited to excessive force or exertion, repetitive motions, and awkward postures, resulting in stressors that had caused, were causing, or were likely to cause musculoskeletal disorders (MSDs) such as but not limited to tendonitis, carpal tunnel syndrome, trigger thumb and shoulder sprain.

a) Debone area: On or about April 29, 2014 and at times prior; the employer exposed employees in the deboning area to the hazard of developing musculoskeletal disorders (MSDs) while performing prolonged repetitive, forceful tasks, often in awkward postures for extended periods. Job tasks include, but are not limited to, load cone, cut shoulder, cut wing, saw wings, pull skin, pull breast, tender pulling, final breast and bone scan.

#### **Recommended abatement action:**

Feasible and acceptable methods of abatement include but are not limited to: Engage in a process that includes analysis of the worksite, medical management of employee symptoms and injuries, training and education of employees in both recognition of injury and avoidance of injury, and hazard prevention and control to determine and implement the most effective methods of addressing the ergonomic risk factors. Feasible and useful methods of correction include: increase the recovery of affected body parts through task rotation during the work shift (rotation to tasks without continuous use of a knife, scissors or forceful grip); increase recovery time through implementation of mini-breaks, increase cycle time for each task, establish a rotation on a daily basis between departments to increase recovery time (such as rotation between Debone and Marination); provide knives with handles designed for repetitive tasks (handle diameters close to one and a half inches, handle length of four inches), textured handles to reduce employee grip force, larger quillons (guard) before the blade to prevent hand from sliding down knife- allowing reduced grip force and handle design oriented to reduce the need for wrist deviation in the ulnar or radial direction during cuts; install mechanical skin removal equipment or provide textured gloves to reduce hand force required in pull skin; provide air-

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



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assist powered scissors for wing cut; position the chicken to minimize wrist deviation during cuts; position the knife sharpener to minimize non-neutral wrist postures; evaluate employees at each station to determine appropriate work platform height to reduce deviation and non-neutral postures; position work so that the platforms are at the proper height for each employee, provide employees with that information and allow a specific time to adjust the platforms prior to each rotation cycle.

Additional methods of reducing the ergonomic hazards include but are not limited to:

1. Provide an ergonomic assessment, by a Certified Professional Ergonomist (CPE), Industrial Engineer (IE), or other qualified person, of the deboning tasks and jobs that are included in rotation of deboning employees. The Ergonomist, or other qualified person, shall provide a job hazard analysis and recommendations for reducing or eliminating ergonomic risk factors from the work of the employees performing repetitive hand activity. The ergonomics assessment should be repeated whenever conditions of order selection change (i.e., new layout, new product, new equipment or hand tools, changed production speeds and manning numbers per line or reported MSD injury or illness) . Design or redesign job tasks so that they are below the American Conference of Governmental Industrial Hygienists threshold limit value for hand activity and force or the Job Strain Index.
2. Develop a participatory, multi-disciplinary, competent ergonomics team to implement and sustain an effective ergonomics program. The composition of the team should include: hourly-employees, union representation, plant management, engineering, maintenance, medical, and safety. The team should receive base training to achieve a basic competence in ergonomic hazard identification, principles, and risk reduction approaches with ongoing training and education. The team will facilitate problem identification and abatement through employee suggestions, audits, reported injuries and complaints with follow-up to resolution.
3. Secure the services of a CPE or other qualified person, to assist the ergonomic team to review concerns, perform independent or joint audits and evaluations and provide the ergonomic training applicable to the work conducted for management and hourly employees.
4. Enhance medical management screening, and medical assessment onsite to improve early intervention of musculoskeletal disorders and traumatic injuries. An outside expert in medical management protocols should review the medical management protocols for treating musculoskeletal injuries and education for employees on early recognition and reporting of signs and symptoms. The

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review of the protocol must include recommendations for alternate duty, (e.g., time on the training lines) for employees who report musculoskeletal pain. The expert should conduct initial plant nurse training and regular follow-up training. The expert should provide an annual review of trends in the nurse's log and recommend changes in the protocol based on the trends.

#### **Engineering Controls:**

5. Incorporate a lean stand and anti-fatigue mats into the adjustable height platform as a rest from prolonged standing.
6. Ensure that employees are using sharp knives for cutting by continue the knife replacement policy (knife replaced with a sharp knife at each break). Inspect knives to ensure consistent sharpness.
7. Provide sharp scissors with an ergonomic handle and powered assist.

#### **Administrative Controls:**

8. Educate and train all employees in basic ergonomic principles, and risk reduction approaches with emphasis in proper techniques, work stand adjustment, tool selection and use. While on the training line, new hires should be trained on work station adjustment and should also include ergonomic coaching relative to achieving and working with neutral postures. Managers and supervisors should be trained as ergonomic coaches and should be encouraged to observe work practices and provide guidance to employees on improving techniques and making specific adjustments to the work station. Maintenance personnel can also benefit from this type of training since they often have the best mechanical skills at the work site and can be an invaluable source of ideas about development of new tools or equipment modifications that can reduce the hazard to the employees.
9. Until jobs can be redesigned, use a job rotation schedule where employees rotate to jobs that are below the American Conference of Governmental Industrial Hygienists threshold limit value for hand activity and force or the hazard level of the Job Strain Index.
10. If management considers lowering the temperature in debone (to 45 degrees) to eliminate condensation, employees should be provided with localized heating or frequent breaks to warm their hands.

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11. Employees who work in debone should not work overtime in debone.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	03/13/2015
Proposed Penalty:	\$7000.00

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:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346

**Citation 1 Item 2** 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 serious physical harm to employees, in that employees were required to perform manual lifting tasks involving ergonomic risk factors including, but not limited to excessive force or exertion, repetitive motions, improper lifting, awkward postures, resulting in stressors that had caused, were causing, or were likely to cause musculoskeletal disorders (MSDs) such as, but not limited to shoulder strain/sprain, lumbar or back injuries, and herniated/ruptured disks.

a) Perimeter area: On or about April 29, 2014, and at times prior; the employer exposed employees to ergonomic hazards that could cause musculoskeletal disorders (MSDs), as noted above, while performing heavy lifting: Employees are required to manually lift, carry and lower approximately 75 pound totes while moving them from fill stations to the scale and then removing them from the scale and stacking them from floor level up to 5 totes high (approximately 48 inches).

Feasible and acceptable methods of abatement include but are not limited to:

Engage in a process that includes analysis of the worksite, medical management of employee symptoms and injuries, training and education of employees in both recognition of injury and avoidance of injury, and hazard prevention and control to determine the most effective methods of addressing the ergonomic risk factors. Feasible and useful methods of correction include: use of a ball transfer conveyor to move totes from the fill stations to the scale and then to the pallet; use of a lift assist device, such as a vacuum system, to move the tote from the conveyor onto the pallet; limit the height of the totes on the pallet to three layers to reduce the height of lift; place a lift table with a turntable top near the scales; adjust the height of the pallet by use of the lift table to align the heights of the totes on the pallet to the height of the tote on the scale; reduce the weight lifted; provide training on lifting technique to minimize hazards associated with lifting heavy totes.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/13/2015  
\$7000.00

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:** Wayne Farms, LLC  
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**Citation 1 Item 3** Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to struck by hazards from falling stock and sections of the rack.

a) Freezer: On or about April 29, 2014 and at times prior, the employer failed to ensure that damaged metal storage racks were repaired or taken out of service until they could be repaired. Visible damage such as bent columns and the base of the racks dislodged from the floor plates, in the main hallway of the freezer area and front area of the racks.

One feasible method would be to follow the manufacturer's recommendations as to replacement of damaged storage rack components. Another feasible method would be to follow the recommendations in the Approved American National Standard (ANSI) "Specification for the design, testing and utilization of industrial steel storage racks (MH16.1:2008)"

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/21/2014
Proposed Penalty:	\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.23(a)(2): Ladderway floor opening(s) or platform(s) were not guarded by a standard railing with standard toeboard(s) on all exposed sides (except at the entrance to opening) with passage through the railing either provided with a swinging gate or so offset that a person could walk directly into the opening:

a) Debone area; On or about April 29, 2014 and at times prior; the employer exposed his employees to a 84" (7'-0") fall hazard in that employees were allowed to walk in a catwalk with an unguarded portion in front of the access ladder when performing tasks such as unclogging the conveyor.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/21/2014  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.133(a)(1): Protective eye equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment

- a) Debone area: On or about April 29, 2014 and at times prior, the employer failed to provide eye protection where employees were exposed to hazards from foreign objects such as but not limited to chicken fat and fluids coming from the chickens being processed.
- b) Marination area: On or about April 29, 2014 and at times prior, the employer failed to provide eye protection where employees were exposed to hazards from foreign objects such as but not limited to chicken fat and fluids coming from the chickens being processed.
- c) DSI area: On or about April 29, 2014 and at times prior, the employer failed to provide eye protection where employees were exposed to hazards from foreign objects such as but not limited to chicken fat and fluids coming from the chickens being processed.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/21/2014
Proposed Penalty:	\$7000.00

**U.S. Department of Labor**  
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**Company Name:** Wayne Farms, LLC  
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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.136(a): The employer did not ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.

a) Perimeter area: On or about April 29, 2014 and at times prior, the employer exposed employees to foot injury in that employees were handling totes filled with chicken having a combined weight of 75 pounds without being provided with safety (steel toe) boots.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/21/2014  
\$7000.00

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

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**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.141(a)(3)(ii): Where wet processes were used, drainage was not maintained and false floors, platforms, mats, or other dry standing places were not provided, where practicable, or waterproof footgear was not provided:

a) Debone area: On or about April 29, 2014 and at times prior, the employer exposed employees to slip and fall hazards in that employees were permitted to walk and work in an area where water and chicken fat were present resulting in slippery floors.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/21/2014  
\$7000.00

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**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346

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

29 CFR 1910.147(c)(4)(ii)(C): The energy control procedure did not clearly and specifically outline the steps for placement, removal and transfer of lockout devices or tagout devices and the responsibility for them:

a) Paw Harvester; On or about April 29, 2014 and at times prior, the employer exposed employees to hazardous energies (including electrical, pneumatic and hydraulic) and struck-by and caught-in hazards in that the machine specific procedure did not outline the steps for placement, removal and transfer of lockout or tagout devices when maintenance, repairs and cleaning were being performed on machines such as but not limited to the Paw Harvester.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/06/2014
Proposed Penalty:	\$7000.00

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

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**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346

**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):

a) Strapper machine number 4 at the paw area: On or about April 29, 2014 and at times prior; the employer failed to ensure the strapper machine was guarded to protect employees from caught-in and crushing hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/06/2014  
\$7000.00

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**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346

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

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) Strapper machine; On or about April 29, 2014 and at times prior, the employer exposed his employees to potential hazardous energies in that employees were allowed to perform service on the strapper machine without being provided with a machine specific procedure to lock it out to prevent the accidental start-up of the machine.

Wayne Farms, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 314955923, citation number 1, item number 2a and was affirmed as a final order on 7/11/2011, with respect to a workplace located at 100 Plugs Dr. Decatur, AL 35602.

Wayne Farms, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 315920348, citation number 1 item number 1 and was affirmed as a final order on 2/14/2012, with respect to a workplace located at 207 Middlebrook St. Enterprise, AL 36330

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	11/06/2014
Proposed Penalty:	\$38500.00



**Citation and Notification of Penalty**

**Company Name:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346

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

29 CFR 1904.4(a): The employer did not record each work-related fatality, injury or illness case that resulted in the general recording criteria on the OSHA Form 300 or equivalent.

Wayne Farms LLC, Jack, AL: On or about April 29, 2014, the employer did not record the following workplace injuries or illnesses on the OSHA Form 300 or equivalent for the calendar year 2014.

- a) On or about May 14, 2014, Scale Operator - An employee received exercise treatment (4 times per day) due to pain in his lower back while moving boxes.
- b) On or about May 15, 2014, Tender Cutter- An employee received exercise treatment (4 times per day) and was set on job restriction due to pain in his hands while cutting tenders in the debone area.
- c) On or about May 15, 2014, Wing Cutter - An employee received exercise treatment due to pain in her right hand while cutting wings in the debone area.
- d) On or about May 15, 2014, Rehanger- An employee received exercise treatment (4 times per day) and was set on job restriction due to pain in his left thumb while rehanging chicken in the leg processing area.
- e) On or about May 16, 2014, Rehanger - An employee received exercise treatment due to pain in his back while moving totes of chicken in the leg processing area.
- f) On or about May 16, 2014, tender cutter-An employee received exercise treatment ( 4 times per day) due to pain in her left shoulder while cutting shoulders in the debone area.
- g) On or about June 2, 2014, Rehanger - An employee received exercise treatment (4 times per day) due to pain in his shoulders and right wrist while rehanging chicken in the leg processing area.

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

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h) On or about June 11, 2014, Rehanger - An employee received exercise treatment (4 times per day) due to pain in his shoulders and right wrist while rehanging chicken in the leg processing area.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

11/06/2014  
\$1100.00

  
**Joseph Roesler**  
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  
1141 Montlimar Drive  
Suite 1006  
Mobile, AL 36609  
Phone: 251-441-6131 Fax: 251-441-6396



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Wayne Farms, LLC  
**Inspection Site:** 1020 County Road 114, Jack, AL 36346  
**Issuance Date:** 10/27/2014

<b>Summary of Penalties for Inspection Number</b>	<b>975114</b>
<b>Citation 1, Serious</b>	<b>\$63000.00</b>
<b>Citation 2, Repeat</b>	<b>\$38500.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$1100.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$102600.00</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 \$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.



\_\_\_\_\_  
**Joseph Roesler**  
Area Director

10/27/2014  
\_\_\_\_\_  
Date