

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

CARMI FLAVOR & FRAGRANCE CO., INC.
6030 Scott Way
City of Commerce, CA 90040

Employer

DOCKETS 10-R6D2-0236
through 0240

ORDER

Good cause having been shown, the above captioned matter is resolved as set forth in the attached summary table.

THE PARTIES STIPULATE that Employer is granted an extended abatement period for Special Order sections 1B and 1D until January 31, 2011.

IT IS FURTHER STIPULATED by and between the parties that this stipulation and Order, and the terms and conditions set forth therein, are not intended to be and shall not be construed by anyone as an admission of any wrongdoing whatsoever by Employer, except for purposes of administration and enforcement of the California Occupational Safety and Health Act and in proceedings before the Appeals Board, and that the stipulation and Order will not be used in any other proceeding between the parties or involving any other person, whether said proceeding be legal, equitable, or administrative in nature.

Employer does not admit that it has violated any statute, standard, order, or regulation in connection with any of the matters alleged in the citation.

The parties further stipulate that they have entered into this agreement in order to avoid protracted litigation and costs associated therewith.

Employer's financial condition is such that a payment plan is material to Employer's ability to pay the settlement amount. A payment plan will

assist in the resolution of the Appeal. Both the Employer and the Division agree that a 24-month, interest-free payment plan is warranted in this matter.

The penalty total of \$43,720 set forth in the attached summary table is payable in 24 installments. The first payment of \$1,837 is due February 1, 2011, and then \$1,821 is due on the 1st of every succeeding month thereafter until the total is fully paid. One late payment renders the entire balance immediately due and payable.

IT IS SO ORDERED.

Dated: December 15, 2010



CLARA HILL-WILLIAMS
Administrative Law Judge

CHW:ml

Pursuant to § 364.2(d) of Title 8 of the California Code of Regulations, Employer shall post for 15 working days a copy of this Order.

Pursuant to § 364.2(b) of Title 8 of the California Code of Regulations, the Division shall serve a copy of this disposition on any authorized employee representative if known to the Division to represent affected employees.

SUMMARY TABLE

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In the Matter of the Appeal of:

CARMI FLAVOR & FRAGRANCE CO., INC.

Dockets 10-R6D2-0236 through 0240

Abbreviation Key:	
Reg=Regulatory	W=Willful
G=General	R=Repeat
S=Serious	
Er=Employer	
DOSH=Division	

IMIS No. 312313737

Site: 6030 Scott Way, City of Commerce, CA 90040

Date of Inspection: 07/14/09 Date of Citation: 01/11/10

DOCKET	CITATION	ITEM	SECTION	TYPE	MODIFICATION OR WITHDRAWAL	AFFIRMED	VALIDATED	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE-HEARING	FINAL PENALTY ASSESSED BY BOARD
10-R6D2-0236	1	1	14300.7(b)(3)	Reg	(Failure to log days away from work or restricted days) Citation remains as cited	X		\$ 350	\$350	\$350
		2	2340.16(a)	G	(Suitable access not provided around electrical panel) Citation remains as cited	X		175	175	175
		3	3203(a)(7)	G	(Failure to train employees pursuant to its IIPP)	X		390	390	390
		4	3241(a)	Reg	(Failure to post live load) Citation remains as cited	X		350	350	350
		5	3314(g)(1)	G	(Lack of hazardous energy control procedure) Citation remains as cited	X		390	390	390
		6	3650(d)	G	(Modified industrial truck without changing the operation, maintenance instruction plates) Citation remains as cited	X		390	390	390

PAGE 2 OF 2											
		7	4650(e)	G	(Cylinders not properly stored to prevent tipping) Citation remains as cited	X		390	390	390	
		8	6151(c)(1)	G	(Fire extinguishers not accessible without subjecting employees to possible injury) Citation remains as cited	X		260	260	260	
10-R6D2-0237	2		5162(c)	S	(Emergency eye wash and shower not readily accessible) Citation remains as cited	X		4,725	4,725	4,725	
10-R6D2-0238	3		2340.22(a)	S	(Circuit breakers were not legibly marked) Citation remains as cited	X		3,150	3,150	3,150	
10-R6D2-0239	4		3382(a)	S	(lack of suitable eye protection for employees) Citation remains as cited	X		3,150	3,150	3,150	
10-R6D2-0240	5		6317	WS	(failure to implement respiratory protection program) Classification remains; penalty reduced per stipulation.	X		70,000	30,000	30,000	
Sub-Total									\$83,720	\$43,720	\$43,720

Total Amount Due*

****\$43,720**

(INCLUDES APPEALED CITATIONS ONLY)

NOTE: Payment of final penalty amount should be made to:

Accounting Office (OSH)
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142

*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions.

****The penalty total of \$43,720 set forth in the attached summary table is payable in 24 installments. The first payment of \$1,837 is due February 1, 2011, and then \$1,821 is due on the 1st of every succeeding month thereafter until the total is fully paid. One late payment renders the entire balance immediately due and payable.**

ALJ: CHW:ml
POS: 12/15/10

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is Occupational Safety and Health Appeals Board, 100 North Barranca Street, Suite 410, West Covina, California, 91791.

On December 15, 2010, I served the attached **ORDER** by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at West Covina, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Michael Crawley
Valerie Rohmann
EEAP
P.O. Box 3487
Quartz Hill, CA 93586

District Manager
DOSH – High Hazard
2000 E. McFadden Avenue, Suite 111
Santa Ana, CA 92705

DOSH - Legal Unit
1515 Clay Street, 19th Floor
Oakland, CA 94612

Tuyet-Van T. Tran, Staff Counsel
Los Angeles Legal Unit
320 West Fourth Street, Suite 400
4th Floor
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 15, 2010, at West Covina, California.


Declarant