

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**SOEX WEST TEXTILE RECYLCING USA,
LLC**
2360 South Orange Avenue
Fresno, CA 93725

**DOCKET 10-R2D5-0767
through 0776**

Employer

ORDER

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

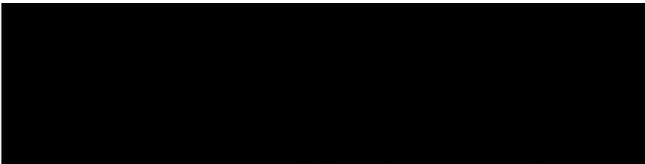
It is stipulated by and between the parties that this stipulation and order, and the terms and conditions set forth therein, are not intended to be and shall not be construed by anyone as an admission of any wrongdoing whatsoever by Appellant /Employer, except for purposes of administration and enforcement of the California Occupational Safety and Health Act and in proceedings before the Appeals Board, and that the 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.

The parties further stipulate that Appellant has entered into this agreement in order to avoid protracted litigations and costs associated thereto. The parties further stipulate that no findings or conclusions have been made by any trier-of-fact regarding the citations and fines at issue herein.

Employer may pay the penalty in a series of 12 monthly payments, the first payment of \$9,000 to be made no later than July 10, 2011, and each successive payment of \$8,600 due on the 10th day of each month following. Failure to make a timely payment shall cause the entire remaining balance to be due and payable immediately.

IT IS SO ORDERED.

DATED: May 27, 2011


MARTIN J. FASSLER
Administrative Law Judge

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

In the Matter of the Appeal of:

SOEX WEST TEXTILE RECYCLING USA, LLC

Dockets 10-R2D5-0767 through 0776

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

Site: 2360 S. Orange Ave., Fresno, CA 93725

Date of Inspection: 1/13/10-2/22/10

Date of Citation: 2/26/10

IMIS No. 312913726

DOCKET	C I T A T I O N	I T E M	SECTION	T Y P E	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL AND REASON	A F F I R M E D	V A C A T E D	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE- HEARING	FINAL PENALTY ASSESSED BY BOARD
10-R2D5-0767	1	1	2340.22(a)	G	Operational controls for drive motor of carding machine not legibly marked/ Reduced severity, extent, likelihood, increased good faith credit	X		\$675	\$150	\$150
	1	2	3314(g)	G	Failure to develop hazardous energy control procedures for carding machine/ Same as above	X		\$1,125	\$150	\$150
10-R2D5-0768	2	1	3203(a)(7) (D)	S	Failure to train employees to recognize and avoid hazards/ Re-classified as general, inadequate evidence of likelihood of serious injury, reduced severity, extent, likelihood, increased good faith credit	X		\$8,100	\$150	\$150
10-R2D5-0769	3	1	3314(j)(1)	S	Failure to train machine operators about hazards related to cleaning, repairing, servicing/ Reduced severity, extent, likelihood, increased good faith credit	X		\$10,125	\$2,700	\$2,700
10-R2D5-0770	4	1	3942(a)	S	Failure to provide guarding for floor-mounted chain and sprocket and pulleys/ Same as above	X		\$18,000	\$2,700	\$2,700
10-R2D5-0771	5	1	4051(a)	S	Shaft ends not properly guarded/ Same as Cit 2, above	X		\$8,100	\$150	\$150
10-R2D5-0772	6	1	4070(a)	S	Failure to have guards for v-belts and pulley drives/ Same as Cit 3	X		\$10,125	\$2,700	\$2,700
10-R2D5-0773	7	1	3203(a)	WG	Failure to implement and maintain effective IIPP/ ER withdraws appeal	X		\$6,750	\$6,750	\$6,750

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10-R2D5-0774	8	1	3203(a)(4) (C)	WG	Failure to assess, survey and evaluate hazards to which employees are exposed/ Same as Cit 2, above	X		\$9,000	\$150	\$150
10-R2D5-0775	9	1	3314(c)	WS	Cleaning operations conducted without machines being stopped/ER withdraws appeal	X		\$70,000	\$70,000	\$70,000
10-R2D5-0776	10	1	4075(a)	WS	Failure to guard floor-mounted chain and sprocket driving rollers/ Re-classified by DOH as Serious accident-related, re-evaluation of evidence	X		\$70,000	\$18,000	\$18,000
Sub-Total								\$212,000	\$103,600	\$103,600
Total Amount Due*										\$103,600

(INCLUDES APPEALED CITATIONS ONLY)

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

Accounting Office (OSH)

Department of Industrial Relations
 PO Box 420603
 San Francisco, CA 94142
 (415) 703-4291, (415) 703-4308 (payment plans)

*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. Employer may pay the penalty in 12 monthly payments, the first payment of \$9,000 to be paid no later than July 10, 2011, followed by 11 monthly payment of \$8,600, each due on the 10th day of the month. Failure to make a timely payment shall make the entire remaining amount due and payable immediately.

ALJ: MJF
POS: 5/27/11

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, 2520 Venture Oaks Way, Suite 300, Sacramento, California 95833.

On May 27, 2011, 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 Sacramento, 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
EEAP
P. O. Box 3487
Quartz Hill, CA 93586

DOSH LEGAL UNIT
1515 Clay Street - Suite 1901
Oakland, CA 94612

District Manager
Division of Occupational Safety and Health
2550 Mariposa Street, Room 4000
Fresno, CA 93721

Legal Unit - Div. of Occupational Safety and Health
320 W. Fourth Street, Suite 400
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 27, 2011, at Sacramento, California.



J. Declarant