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MAR 12 2012

OSH Appeals Board

APPEAL FORM

2012-R 3 D | -0943

315525634

Inspection Number on Citation

AMERICAN APPAREL

Employer Name on Citation

Employer Legal Name or DBA (Optional)

747 Warehouse Street

Address

Los Angeles CA 90021

1. You only have 15 working days from receipt of a citation to appeal.

2. A copy of this form must be attached to each citation or notification appealed. Failure to file a completed form may result in dismissal of the appeal.

FIRST READ IMPORTANT INFORMATION ON THE REVERSE SIDE
THEN COMPLETE ONE APPEAL FORM FOR EACH CITATION

1. This is an Appeal from:

CITATION NO(s): 1 Item No(s): 1, 2, 5, 6, 8

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): _____ Item No(s): _____

SPECIAL ORDER/SPECIAL ACTION NO: _____
Item No(s): _____

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

3. Explain any other reasons for appeal or issues to be raised on appeal. Affirmative defenses must be specifically stated. Some important affirmative defenses are listed on the OSHAB website at: <http://www.dir.ca.gov/OSIAB/oshab.html>
Please see attachment.

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OSH Appeals Board

Appeal
Inspection Number 315525634
American Apparel
747 Warehouse Street
Los Angeles CA 90021

3. Appealing party reserves its right to add issues on appeal including defenses upon having the opportunity to review and copy releasable portions of the record of proceedings in this case.

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Affirmative defenses include independent employee acts, no employer knowledge of the immediate hazard, the alleged deficiencies, independent failure of equipment, citation is duplicative, employer took alternative reasonable precautions, alleged violations had no causal effect on the incident, and the employer reasonably and detrimentally relied upon a worker safety expert consultant.

In some instances the proposed penalties are excessive inasmuch as the employer is fully committed to model practices regarding occupational safety and health issues, and detrimentally relied upon a safety consultant.

///

4.

(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Peter Schey
(Type or print name)

Law office of Peter Schey

Attorney
(Title)

11994 Chalon Rd

(Address) {Address where all communications from the Appeals Board will be sent}

Los Angeles

(City)

(State)

(Zip Code)

323-251-3223

CA

90049

(Telephone)

(E-Mail Address)

(Date)

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- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
- H. Late appeals will not be accepted unless good cause is shown.

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315525634
Inspection Dates: 08/19/2011 - 02/15/2012
Issuance Date: 02/16/2012
CSHO ID: A9562
Optional Inspection Nbr: 010-12



Citation and Notification of Penalty

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MAR 12 2012

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

OSH Appeals Board

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

California Code of Regulations, Title 8, 3203. Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(5) Include a procedure to investigate occupational injury or occupational illness.

(7) Provide training and instruction:

(A) When the program is first established;

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

(b) Records of the steps taken to implement and maintain the Program shall include:

(2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

The employer failed to implement and maintain an effective Injury and Illness Prevention Program, in that, the employer did not follow their written procedures to investigate

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State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

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Issuance Date: 02/16/2012
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Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

occupational injuries, nor did they follow their written procedures for conducting weekly safety training and further, record these events and place them in the employee's files as outlined in their Injury and Illness Prevention Program.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 675.00

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

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
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Issuance Date: 02/16/2012
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Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

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MAR 1 2 2012

OSHA Appeals Board

Citation 1 Item 2 Type of Violation: General

California Code of Regulations, Title 8, 2340.16. Work Space About Electric Equipment.

(b) Work Space. Working space for equipment likely to require examination, adjustment, servicing, or maintenance while energized shall comply with the following dimensions, except as required or permitted elsewhere in these Orders.

(1) Depth. The depth of the working space in the direction of access to live parts shall not be less than indicated in Table 2340.16 unless permitted elsewhere in these orders.

Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if they are enclosed.

(2) Width. In addition to the dimensions of depth shown in Table 2340.16, the width of the workspace in front of the electric equipment shall not be less than the width of the equipment or 30 inches, whichever is greater.

In all cases, the workspace shall be adequate to permit at least a 90 degree opening of equipment doors or hinged panels.

(3) Height. The work space shall be clear and extend from the grade, floor, or platform to the height required by subsection (f) of this section. However, other equipment associated with the electrical installation and located above or below the electric equipment may extend not more than 6 in. (153 mm) beyond the front of the electric equipment.

On and prior to August 19, 2011, the employer failed to ensure the workspace around the electrical panel located in the warehouse area was clear and free from obstructions allowing the hinged door to open 90 degrees.

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State of California
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Issuance Date: 02/16/2012
CSHO ID: A9562
Optional Inspection Nbr: 010-12

Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 225.00

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

California Code of Regulations, Title 8, 2500.8. Uses Not Permitted.

(a) Unless specifically permitted otherwise in Section 2500.7, flexible cords and cables shall not be used:

- (1) as a substitute for the fixed wiring of a structure;
- (4) where attached to building surfaces;

On and prior to August 19, 2011, the employer failed to ensure that flexible cords and cables were not used as a substitute for fixed wiring of a structure, or attached to building surfaces. Two flexible extension cords were observed by the Division attached and secured to the overhead structure and building surface energizing electrical equipment.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 225.00

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State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
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Citation and Notification of Penalty

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Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

OSH Appeals Board

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

California Code of Regulations, Title 8, 3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(g) Hazardous Energy Control Procedures. A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment.

(2) The employer's hazardous energy control procedures shall be documented in writing.

(A) The employer's hazardous energy control procedure shall include separate procedural steps for the safe lockout/tagout of each machine or piece of equipment affected by the hazardous energy control procedure.

On and prior to August 19, 2011, the employer failed to ensure that separate procedural steps for the safe lockout/tagout of the circular weaving machines were developed and documented in writing. As a result, maintenance personnel did not properly lockout/tagout the circular knitting/weaving machine #19 on August 19, 2011, which resulted in the fatality of a circular weaving machine operator.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 1125.00

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

State of California
Division of Occupational Safety and Health
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Issuance Date: 02/16/2012
CSHO ID: A9562
Optional Inspection Nbr: 010-12



Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

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

OSH Appeals Board

California Code of Regulations, Title 8, 4184. Guarding Required.

(a) Machines as specifically covered hereafter in Group 8, having a grinding, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, in which an employee comes within the danger zone shall be guarded at the point of operation in one or a combination of the ways specified in the following orders, or by other means or methods which will provide equivalent protection for the employee.

(b) All machines or parts of machines, used in any industry or type of work not specifically covered in Group 8, which present similar hazards as the machines covered under these point of operation orders, shall be guarded at their point of operation as required by the regulations contained in Group 8.

On and prior to August 19, 2011, the employer failed to guard the circular knitting/weaving machines at their point of operation. As a result, employees work required them to be in the danger zone of the rolling and circular spinning action of the machine.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 1350.00

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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Division of Occupational Safety and Health
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Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

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

California Code of Regulations, Title 8, 4475. Commercial Sewing Machines.

(a) The lower pulley nip points shall be guarded.

On and prior to August 19, 2011, the employer failed to properly guard the lower pulley nip points of two commercial sewing machines that employees use.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 1125.00

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

California Code of Regulations, Title 8, 6151. Portable Fire Extinguishers.

(c) General Requirements.

(1) The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

On and prior to August 19, 2011, the employer failed to identify two portable fire extinguishers, so that they were readily accessible to employees.

Date By Which Violation Must be Abated: ABATED
Proposed Penalty: \$ 225.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

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OSH Appeals Board

APPEAL FORM

2012-R 3 D / -0944

315525634

Inspection Number on Citation

AMERICAN APPAREL

Employer Name on Citation

Employer Legal Name or DBA (Optional)

747 Warehouse Street

Address

Los Angeles CA 90021

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CITATION NO(s): 2 Item No(s): 1

NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION
CITATION NO(s): _____ Item No(s): _____

SPECIAL ORDER/SPECIAL ACTION NO: _____
Item No(s): _____

2. Specific ground(s) for this appeal are: (Check all that apply)

The safety order was not violated.

The classification (i.e. serious, willful, repeat) is incorrect.

The abatement requirements are unreasonable.

Required changes Time allowed to complete changes

The proposed penalty is unreasonable.

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Please see attachment.

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Appeal
Inspection Number 315525634
American Apparel
747 Warehouse Street
Los Angeles CA 90021

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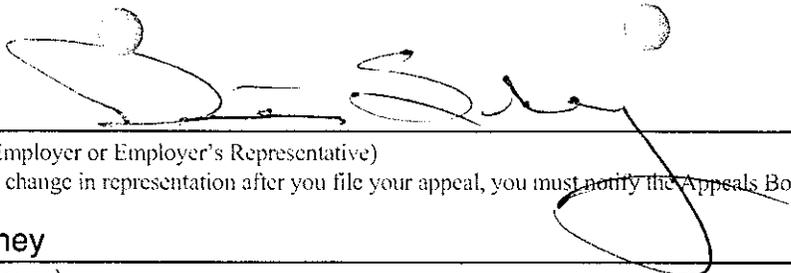
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///

4.



(Signature of Employer or Employer's Representative)
{If there is any change in representation after you file your appeal, you must notify the Appeals Board in writing}

Peter Schey

(Type or print name)

Attorney

(Title)

11994 Chalon Rd

(Address) {Address where all communications from the Appeals Board will be sent}

Los Angeles

(City)

(State)

(Zip Code)

323-251-3223

CA

90049

(Telephone)

(E-Mail Address)

(Date)

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Inspection Number: 315525634
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CSHO ID: A9562
Optional Inspection Nbr: 010-12



Citation and Notification of Penalty

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MAR 12 2012

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

OSH Appeals Board

Citation 2 Item 1 Type of Violation: Serious Accident Related

California Code of Regulations, Title 8, 3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(c) Cleaning, Servicing and Adjusting Operations.

Machinery or equipment capable of movement shall be stopped and the power source de-energized or disengaged, and, if necessary, the moveable parts shall be mechanically blocked or locked out to prevent inadvertent movement, or release of stored energy during cleaning, servicing and adjusting operations. Accident prevention signs or tags or both shall be placed on the controls of the power source of the machinery or equipment.

On and prior to August 19, 2011, the employer failed to ensure the circular knitting/weaving machine #19, located at the Garden Grove facility was properly de-energized with accident prevention signs or tags placed on the controls of the power source while it was being serviced and repaired. This resulted in the fatal injury to the operator when he attempted to remove fabric from inside the cage of the machine that inadvertently started.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 25000.00

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

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751
FAX (916) 274-5785

RECEIVED

MAR 12 2012

OSH Appeals Board

APPEAL FORM

2012-R 3 D / -0945

315525634

Inspection Number on Citation

AMERICAN APPAREL

Employer Name on Citation

Employer Legal Name or DBA (Optional)

747 Warehouse Street

Address

Los Angeles CA 90021

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CITATION NO(s): Item No(s):

SPECIAL ORDER/SPECIAL ACTION NO:
Item No(s):

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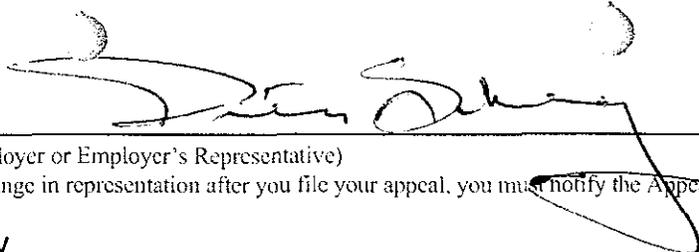
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(Signature of Employer or Employer's Representative)
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Peter Schey

(Type or print name)

Attorney

(Title)

11994 Chalon Rd

(Address) {Address where all communications from the Appeals Board will be sent}

Los Angeles

(City)

(State)

(Zip Code)

323-251-3223

CA

90049

(Telephone)

(E-Mail Address)

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Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841

OSH Appeals Board

Citation 3 Item 1 Type of Violation: Willful Serious Accident Related

California Code of Regulations, Title 8, 3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(j) Training.

(1) Authorized employees shall be trained on hazardous energy control procedures and on the hazards related to performing activities required for cleaning, repairing, servicing, setting-up and adjusting prime movers, machinery and equipment.

(2) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(3) All other employees whose work operations may be in an area where energy control procedures may be utilized, shall be instructed about the prohibition relating to attempts to restart or reenergize machines or equipment which are locked out or tagged out.

(4) Such training shall be documented as required by Section 3203.

On and prior to August 19, 2011, the employer failed to train each affected employee and all other employees whose work is in the nearby area where energy control procedures may be utilized on hazardous energy control procedures and the hazards related to performing activities required for cleaning, servicing, setting-up and adjusting the circular weaving machines located at the Garden Grove facility. As a result, on August 19, 2011, an untrained maintenance person and an operator in the nearby area did not properly lockout/tagout or stay clear of the circular weaving machine #19 during the servicing and repair operation and the operator suffered fatal injuries.

Date By Which Violation Must be Abated:
Proposed Penalty:

ABATED
\$ 70000.00

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

State of California

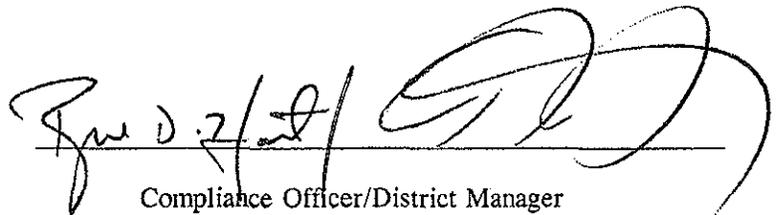
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315525634
Inspection Dates: 08/19/2011 - 02/15/2012
Issuance Date: 02/16/2012
CSHO ID: A9562
Optional Inspection Nbr: 010-12



Citation and Notification of Penalty

Company Name: AMERICAN APPAREL (USA), LLC
Inspection Site: 12691 PAULA DRIVE, GARDEN GROVE, CA 92841


Compliance Officer/District Manager

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