

State of California

Division of Occupational Safety and Health
Cal/OSHA High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 312313687
Inspection Dates: 07/13/2009 -
Issuance Date: 01/11/2010
CSHO ID: X9249
Optional Inspection Nbr: 024-10



Citation and Notification of Penalty

Company Name: MISSION FLAVORS & FRAGRANCES INC
Inspection Site: 25882 WRIGHT CIRCLE, FOOTHILL RANCH, CA 92610

Citation 1 Item 1 Type of Violation: Willful General

T8 CCR §5155(f). Airborne Contaminants.

Medical Surveillance. A medical surveillance program approved by the division may be required to ensure satisfactory maintenance of employee health and to ascertain the effectiveness of the control method(s).

The employer willfully failed to implement all of the required elements including but not limited to:

- 1. The employer did not provide quarterly reports that included the aggregate results of spirometry testing to the Chief of Cal/OSHA as required; and**
- 2. The employer did not develop and implement a program to notify past workers of bronchiolitis obliterans and their potential risk of disease after working in a food flavorings plant. No written program/plan for notifying past workers was submitted to the Chief of Cal/OSHA for approval. No list of past workers and their last known addresses was submitted to the Chief of Cal/OSHA.**

The Division required the employer to implement a medical surveillance program. Employer was aware of the requirement to implement a medical surveillance program due to a previous inspection.

Date By Which Violation Must be Abated:	02/10/2010
Proposed Penalty:	\$ 6000.00

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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Citation 2 Item 1 Type of Violation: Willful Serious

T8 CCR §5141(a). Control of Harmful Exposure to Employees.

(a) Engineering Controls. Harmful exposures shall be prevented by engineering controls whenever feasible.

The employer willfully failed to implement reasonable engineering controls including but not limited to maintaining negative air pressure in the production area relative to the rest of the plant. Employer was aware of the requirement to prevent harmful exposures through engineering controls due to a previous inspection.

Date By Which Violation Must be Abated: 01/18/2010
Proposed Penalty: \$ 54000.00

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Citation and Notification of Penalty

Company Name: MISSION FLAVORS & FRAGRANCES INC
Inspection Site: 25882 WRIGHT CIRCLE, Foothill Ranch, CA 92610

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

T8 CCR §5144(c)(1). Respiratory Protection.

Respiratory protection program.

In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures.

Respirators were necessary to protect the health of employees. The employer did have a written respiratory protection program but willfully did not implement the following elements of the program:

- 1. Respiratory protection program (REF: §5144(c)(1)). The employer did not ensure the use of respirators by mixers and any other workers who entered the production area where respirators were necessary to protect the health of employees.**
 - 2. Procedures for selecting respirators for use (REF: §5144(g)). The employer permitted employees with facial hair to wear a respirator with a tight-fitting facepiece. The facial hair came between the sealing surface of the facepiece and their face.**
 - 3. Training and information on respirator use (REF: §5144(k)). The employer did not ensure that annual respirator training was conducted, and in some cases, no respirator training was done. Employees were exposed to hazardous substances including but not limited to Diacetyl, Furfural, Acetic Acid, and Hexanoic Acid.**
- Employer was aware of the requirement to establish and implement a written respiratory protection program with worksite-specific procedures due to a previous inspection.**

Date By Which Violation Must be Abated: 01/18/2010
Proposed Penalty: \$ 54000.00

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Citation and Notification of Penalty

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

T8 CCR §5185(l). Changing and Charging Storage Batteries.

Facilities for quick drenching or flushing of the eyes and body shall be provided unless the storage batteries are:

- (1) equipped with explosion resistant or flame arrestor type vents; or
- (2) located in a compartment or other location such as to preclude employee exposure.

Facilities for quick drenching or flushing of the eyes and body were not provided for employees who charge and service the battery-operated Hyster forklifts and pallet jacks in the warehouse.

Date By Which Violation Must be Abated: 01/18/2010
Proposed Penalty: \$ 5400.00

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Citation and Notification of Penalty

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

T8 CCR §5194(e)(1). Hazard Communication.

Written Hazard Communication Program.

Employers shall develop, implement, and maintain at the workplace a written hazard communication program for their employees which at least describes how the criteria specified in sections 5194(f), (g), and (h) for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

- (A) A list of the hazardous substances known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas);
- (B) The methods the employer will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of reactor vessels), and the hazards associated with substances contained in unlabeled pipes in their work areas.

The employer's written hazard communication program did not meet the criteria specified in the following sections:

1. 5194(h) employee information and training (not developed or implemented)
2. list of hazardous substances and where they are located (not developed).

Employees were exposed to hazardous substances including but not limited to Diacetyl, Furfural, Acetic Acid, and Hexanoic Acid.

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Proposed Penalty: \$ 5400.00

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Citation and Notification of Penalty

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

Labor Code §6317. Citation of Employer for Violation

If, upon inspection or investigation, the division believes that an employer has violated Section 25910 of the Health and Safety Code or any standard, rule, order, or regulation established pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code, or any standard, rule, order, or regulation established pursuant to this part, it shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the code, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the alleged violation. The period specified for abatement shall not commence running until the date the citation or notice is received by certified mail and the certified mail receipt is signed, or if not signed, the date the return is made to the post office. If the division officially and directly delivers the citation or notice to the employer, the period specified for abatement shall commence running on the date of the delivery.

A "notice" in lieu of citation may be issued with respect to violations found in an inspection or investigation which meet either of the following requirements:

- (1) The violations do not have a direct relationship upon the health or safety of an employee.
- (2) The violations do not have an immediate relationship to the health or safety of an employee, and are of a general or regulatory nature. A notice in lieu of a citation may be issued only if the employer agrees to correct the violations within a reasonable time, as specified by the division, and agrees not to appeal the finding of the division that the violations exist. A notice issued pursuant to this paragraph shall have the same effect as a citation for purposes of establishing repeat violations or a failure to abate. Every notice shall clearly state the abatement period specified by the division, that the notice may not be appealed, and that the notice has the same effect as a citation for purposes of establishing a repeated violation or a failure to abate. The employer shall indicate agreement to the provisions and conditions of the notice by his or her signature on the notice.

Under no circumstances shall a notice be issued in lieu of a citation if the violations are serious, repeated, willful, or arise from a failure to abate.

The director shall prescribe guidelines for the issuance of these notices.

The division may impose a civil penalty against an employer as specified in Chapter 4 (commencing with Section 6423) of this part. A notice in lieu of a citation may not be issued if the number of first instance violations found in the inspection (other than serious, willful, or repeated violations) is 10 or more violations.

No citation or notice shall be issued by the division for a given violation or violations after six months have elapsed since occurrence of the violation.

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The director shall prescribe procedures for the issuance of a citation or notice.

The division shall prepare and maintain records capable of supplying an inspector with previous citations and notices issued to an employer.

REF: LC §6305. (a) "Occupational safety and health standards and orders" means standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1 and general orders heretofore adopted by the Industrial Safety Board or the Industrial Accident Commission.

(b) "Special order" means any order written by the chief or the chief's authorized representative to correct an unsafe condition, device, or place of employment which poses a threat to the health or safety of an employee and which cannot be made safe under existing standards or orders of the standards board. These orders shall have the same effect as any other standard or order of the standards board, but shall apply only to the employment or place of employment described in the written order of the chief's authorized representative.

REF: LC §6308. The division, in enforcing occupational safety and health standards and orders and special orders may do any of the following:

(a) Declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(b) Enforce Section 25910 of the Health and Safety Code and standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code, for the installation, use, maintenance, and operation of reasonable uniform safety devices, safeguards, and other means or methods of protection, which are necessary to carry out all laws and lawful standards or special orders relative to the protection of the life and safety of employees in employments and places of employment.

(c) Require the performance of any other act which the protection of the life and safety of the employees in employments and places of employment reasonably demands.

An employer may request a hearing on a special order or action ordered pursuant to this section, at which the employer, owner, or any other person may appear. The appeals board shall conduct the hearing at the earliest possible time.

All orders, rules, regulations, findings, and decisions of the division made or entered under this part, except special orders and action orders, may be reviewed by the Supreme Court and the courts of appeal as may be provided by law.

On January 20, 2005, the Division issued Special Order #108 to Mission Flavors and Fragrances, Inc. at 25882 Wright Circle, Foothill Ranch, CA, 92610. Special Order #108 became a final Order of the Board

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on September 14, 2007 and remains in effect. On July 13, 2009, at 25882 Wright Circle, Foothill Ranch, CA, 92610, the following violations of Special Order #108 were observed:

(1) Special Order #108, Item 1.2. Until a closed system for production and mixing is implemented, minimize worker exposure as much as possible. All production areas should have adequate dilution ventilation. Maintain negative air pressure in the production area relative to the rest of the plant.

The employer did not maintain negative air pressure in the production area relative to the rest of the plant.

(2) Special Order #108, Item 4. Require mandatory respirator use by workers in the production area and other workers who enter this area. Develop a formal respiratory protection program that adheres to the requirements for the California Code of Regulations, Title 8, Section 5144. Workers must have medical clearance for respirator use, fit testing of the respirator they will use before they are allowed to use it, and training on the hazards they are exposed to and on how to wear and maintain their respirator. An appropriate respirator such as a half face dual cartridge with a P100/organic vapor cartridge or a powered air purifying respirator (PAPR) must be used. The administrator that you select for the program must have adequate training or experience to run it and regularly evaluate its effectiveness.

The employer did not ensure the use of respirators by mixers and any other workers who entered the production area.

Respirators were necessary to protect the health of employees. The employer did have a written respiratory protection program but willfully did not implement the following elements of the program:

1. Respiratory protection program (REF: §5144(c)(1)). The employer did not ensure the use of respirators by mixers and any other workers who entered the production area where respirators were necessary to protect the health of employees.
2. Procedures for selecting respirators for use (REF: §5144(g)). The employer permitted employees with facial hair to wear a respirator with a tight-fitting facepiece.
The facial hair came between the sealing surface of the facepiece and their face.
3. Training and information on respirator use (REF: §5144(k)). The employer did not ensure that annual respirator training was conducted, and in some cases, no respirator training was done.
Employees were exposed to hazardous substances including but not limited to Diacetyl, Furfural, Acetic Acid, and Hexanoic Acid.

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(3) Special Order #108, Item 8. Direct the Certified Occupational Medicine Specialist to provide a quarterly report that includes the aggregate results of the spirometry testing to the Chief of Cal/OSHA. The first report will be due on October 1, 2007.

The employer did not direct a Certified Occupational Medicine Specialist to provide quarterly reports to the Chief of Cal/OSHA as required.

The employer did not provide quarterly reports that included the aggregate results of spirometry testing to the Chief of Cal/OSHA as required.

(4) Special Order #108, Item 10. Develop and implement a program to notify past workers of the symptoms of bronchiolitis obliterans and their potential risk of disease after working in a food flavorings plant. Submit a written plan for the program, including the last known addresses of all past workers, to the Chief of Cal/OSHA for approval by October 1, 2007.

The employer did not develop and implement a program to notify past workers of bronchiolitis obliterans and their potential risk of disease after working in a food flavorings plant. No written program plan for notifying past workers was submitted to the Chief of Cal/OSHA for approval. No list of past workers and their last known addresses was submitted to the Chief of Cal/OSHA.

Date By Which Violation Must be Abated: 01/18/2010
Proposed Penalty: \$ 67500.00


Compliance Officer/District Manager

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State of California
Division of Occupational Safety and Health
Cal/OSHA High Hazard Compliance Unit
2000 East McFadden Avenue, Suite 111
Santa Ana, CA 92705
Tel (714) 567-7100 Fax (714) 567-6074

NOTICE OF PROPOSED PENALTIES

Company Name: MISSION FLAVORS & FRAGRANCES INC
Inspection Site: 25882 WRIGHT CIRCLE, FOOTHILL RANCH, CA 92610
Mailing Address: 25882 WRIGHT CIRCLE, FOOTHILL RANCH, CA 92610
Issuance Date: 01/11/2010
Reporting ID: 0950662
Index Code: 4502

Summary of Penalties for Inspection Number 312313687

Citation 1, Willful	= \$	6000.00
Citation 2, Willful	= \$	54000.00
Citation 3, Willful	= \$	54000.00
Citation 4, Serious	= \$	5400.00
Citation 5, Serious	= \$	5400.00
Citation 6, Willful	= \$	67500.00
TOTAL PROPOSED PENALTIES	= \$	192300.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE**
