

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



Citation and Notification of Penalty

To:
MAPLEGROVE GLUTEN FREE FOODS INC
and its successors
13112 SANTA ANA AVE UNIT A2 & A3
FONTANA, CA 92337

Inspection Number: 314758715
Inspection Date(s): 01/06/2012 06/22/2012
Issuance Date: 06/22/2012 & 07/02/2012
CSHO ID: P2137
Optional Report #: 019-012
Reporting ID: 0950662

Inspection Site:
13112 SANTA ANA AVE UNIT A2 & A3
FONTANA, CA 92337

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 (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

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 agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety & Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone (916) 274-5751
Fax (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

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

If you are paying electronically, please have the Penalty Remittance 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 in order 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, return one copy of the citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date." **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
2000 East McFadden Avenue, Suite 111
Santa Ana, CA 92705
Telephone: (714) 567-7100

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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: 314758715
Inspection Dates: 01/06/2012-06/22/2012
Issuance Date: 06/22/2012
CSHO ID: P2137
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Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§342(a). Reporting Work-Connected Fatalities and Serious Injuries.

"Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code."

On December 23, 2011, an employee of Maplegrove Gluten Free Foods, Inc. sustained a serious injury. The employer did not report the accident in a timely fashion as required by this Section.

This is a repeat violation of Citation 1 Item 1, Inspection number 313508038, issued on 12/10/10, which became a Final Order of the Board on 2/25/11.

Date By Which Violation Must be Abated: 07/22/2012
Proposed Penalty: \$ 10000.00

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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Cal/OSHA High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
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Issuance Date: 7/2/2012
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Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§461(a). Permits to Operate.

"Except during the time that a request for a permit remains unacted upon or as permitted in Section 461(f), no air tank shall be operated unless a permit to operate has been issued."

On or before January 6, 2012, the employer operated the green Speed Air Air Tank, located in the maintenance shop, and the tan IR Ingersoll Rand 120 gallon Air Tank (S/N 0212020014), located outside on the West side of the building. The employer did not have permits for Air Tanks.

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 450.00

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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: 314758715
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Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§2340.12(a). Mechanical Execution of Work.

Electric equipment shall be installed in a neat and workmanlike manner.
"Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment."

On or before March 2, 2012, the employer had at least the following instances in which there were unused openings:

- 1. The line 1 three way conduit junction on the north side of the mixer;**
- 2. The Remington Tool Co. Drill Press (Model R14-5 S/N 12067), located in the maintenance shop, and**
- 3. The missing cover plate for the fan, located between the Line 3 and 4 driers, and**
- 4. The conduit below the Flour Feed Platform adjacent to the control panel on the North side.**

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 335.00

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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: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
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Optional Inspection Nbr: 019-012



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Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§2340.16(a). Work Space About Electric Equipment.

"Space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment."

On or before March 2, 2012, the employer had at least the following locations where employees did not have sufficient access to electrical equipment:

- 1. The East Wall disconnect adjacent to the Industrial Truck "BATTERY CHARGER" area was blocked by a gray plastic pasta container, a broom, a dust mop and a yellow trash container and**
- 2. The disonnect located in the Southeast corner of the building by the sprinkler valves, was blocked by carts with metal poles, a vacuum cleaner and a transformer.**

Date By Which Violation Must be Abated:	08/01/2012
Proposed Penalty:	\$ 225.00

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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: 314758715
Inspection Dates: 01/06/2012-06/22/2012
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CSHO ID: P2137
Optional Inspection Nbr: 019-012



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Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 1 Item 5 Type of Violation: General

§3272(c). Aisles, Walkways, and Crawlways.

"Permanent aisles, ladders, stairways, and walkways shall be kept reasonably clear and in good repair. Where, due to lack of proper definition, such aisles or walkways become hazardous, they shall be clearly defined by painted lines, curbsings, or other method of marking."

On or before April 6, 2012, employees worked at the following work areas that were not maintained free of debris (pasta and pasta dust);

- 1. De Francisci Long Goods Spaghetti Stripper and**
- 2. The South Corner of the building.**

Date By Which Violation Must be Abated: 08/01/2012
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.

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: 314758715
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Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§3308. Hot Pipes and Hot Surfaces.

"Pipes or other exposed surfaces having an external surface temperature of 140 degrees F (60 degrees C) or higher and located within 7 feet measured vertically from floor or working level or within 15 inches measured horizontally from stairways, ramps or fixed ladders shall be covered with a thermal insulating material or otherwise guarded against contact. This order does not apply to operations where the nature of the work or the size of the parts makes guarding or insulating impracticable."

On or before April 5, 2012, the employer failed to cover the steam pipes at the line 1 and 4 mixers exposing employees to external surface temperatures greater than 140 degrees F (60 degrees C).

Date By Which Violation Must be Abated: 08/01/2012
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.

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: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 7/02/12
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

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Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§4002(b). Moving Parts of Machinery or Equipment.

"Keys, set screws, projections or recesses which create a hazard not guarded by the frame of the machine or by location shall be removed, made flush or guarded."

On or before April 6, 2010, employees were exposed to the following key way projections that were not guarded:

- 1. The shaft projection on the De Francisci Long Goods Spaghetti Stripper adjacent to the emergency stop on the West side of the machine and**
- 2. The shaft projection on the Line 1 mixer on the West Side.**

Date By Which Violation Must be Abated:	08/01/2012
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.

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: 314758715
Inspection Dates: 01/06/2012-06/22/2012
Issuance Date: 7/2/12
CSHO ID: P2137
Optional Inspection Nbr: 019-012



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Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§5097(b)(1). Hearing Conservation Program.

"Monitoring. When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall obtain measurements for employees who may be exposed at or above that level. Such determinations shall be made by December 1, 1982."

On or before January 6, 2012, the employer failed to obtain measurements for the employees exposed to noise at or above an 8-hour time-weighted average of 85 decibels.

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 450.00

Citation 1 Item 9 Type of Violation: **General**

§6151(e)(2). Portable Fire Extinguishers.

"Inspection, Maintenance and Testing. Portable extinguishers or hose used in lieu thereof under Subsection (d)(3) of this Section shall be visually inspected monthly."

On or before April 6, 2012, the employer failed to visually inspect the portable extinguishers on a monthly basis.

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 335.00

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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: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 7/02/12
CSHO ID: P2137
Optional Inspection Nbr: 019-012



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Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 1 Item 10 Type of Violation: **Regulatory**

§14300.33(a). Retention and Updating.

"Basic requirement. You must save the Cal/OSHA Form 300, the privacy case list (if one exists), the Cal/OSHA Form 300A, and the Cal/OSHA Form 301 Incident Reports for five (5) years following the end of the calendar year that these records cover."

On or before January 6, 2012, the employer did not generate or save the Cal/OSHA Form 300, the privacy case list (if one exists), the Cal/OSHA Form 300A, and the Cal/OSHA Form 301 Incident Reports for five (5) years.

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 450.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§2473.1.(a) Conductors Entering Boxes, Cabinets, or Fittings.

"Conductors entering cutout boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed.

On or before January 6, 2012, the employer had a conductor (power cable) running through the flour feed, 480 voltage electrical panel located on the West side, and it was not protected from abrasion or effectively closed.

Date By Which Violation Must be Abated: 07/09/2012
Proposed Penalty: \$ 4050.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§2500.8(a)(1). Uses Not Permitted.

"Unless specifically permitted otherwise in Section 2500.7, flexible cords and cables shall not be used: as a substitute for the fixed wiring of a structure;

On or before January 6, 2012, the employer had at least the following instances in which flexible cords (extension cords) were used as a substitute for fixed wiring of a structure at the following locations:

- 1. The two cords used to power the two shakers under the Flour Feed Platform and**
- 2. The cords in the Maintenance Shop plugged into a multioutlet power strip.**

This is a repeat violation of Citation 1 Item 1 Inspection number 313508046 issued on 8/30/10 and became a Final Order of the Board on 2/28/11.

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 1350.00

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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Inspection Number: 314758715
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Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§2500.10(a). Pull at Joints and Terminals.

"Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

On or before January 6, 2012, the employer had at least the following flexible cords in which the strain relief would not

prevent a pull on the flexible cord from being directly transmitted to the terminal screws:

- 1. The flexible cord to the flour feed (480 voltage) electrical panel on the West side;**
- 2. The flexible power cord for the fan plugged into the control panel between the Buhler Dryer and the Demaco Dryer, and**
- 3. The flexible cord to the motor adjacent to the Line 1 mixer.**

Date By Which Violation Must be Abated:	07/09/2012
Proposed Penalty:	\$ 4050.00

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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Cal/OSHA High Hazard Unit (0950662;4502)
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Citation 5 Item 1 Type of Violation: **Repeat General**

§3203(a). Injury and Illness Prevention Program.

"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:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

(3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

EXCEPTION: Employers having fewer than 10 employees shall be permitted to communicate to and instruct employees orally in general safe work practices with specific instructions with respect to hazards unique to the employees' job assignments as compliance with subsection (a)(3).

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

(A) When the Program is first established;

EXCEPTION: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

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

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

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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: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
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CSHO ID: P2137
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Citation and Notification of Penalty

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Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

(7) Provide training and instruction:

(A) When the program is first established;

EXCEPTION: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(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."

On or before January 6, 2012 the employer did not implement and maintain an effective or operative Written Injury and Illness Prevention Program (Program). The employer failed to implement and maintain all seven elements.

This is a Repeat Violation of Citation number 1 Item number 2, Inspection number 313508046, Report number 028-10, Region 3 District 3, Issued on August 30, 2010. This citation became a final order of the Board on February 28, 2011.

Date By Which Violation Must be Abated: 08/01/2012
Proposed Penalty: \$ 3600.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 6 Item 1 Type of Violation: **Serious** Accident Related

§3210(b). Guardrails at Elevated Locations.

"Other Elevated Locations. The unprotected sides of elevated work locations that are not buildings or building structures where an employee is exposed to a fall of 4 feet or more shall be provided with guardrails. Where overhead clearance prohibits installation of a 42-inch guardrail, a lower rail or rails shall be installed. The railing shall be provided with a toe board where the platform, runway, or ramp is 6 feet or more above places where employees normally work or pass and the lack of a toe board could create a hazard from falling tools, material, or equipment."

On or before March 2, 2012 employees worked on the following unprotected building structures, located greater than 4 feet above the ground, with no guardrails or guardrails that were not 42- inches high.

They were also missing midrails:

- 1. The Flour Feed platform hopper on the South side had no guardrails;**
- 2. The Flour Feed platform area on the North, East and West sides, where pallets are staged, had some chains or were missing chains that were not 42- inches high on the top or 21 inches high for the midrails;**
- 3. The Line 2 mixer elevated metal grating walk way on the Northwest side had guardrailing that was not 42- inches or completely protecting the platform ;**
- 4. The Line 4 mixer elevated metal grating walk way guardrailing had missing guardrail at the motor, and**
- 5. The Line 4 mixer elevated metal grating walk way had missing guardrails on the North side.**

Date By Which Violation Must be Abated:	07/09/2012
Proposed Penalty:	\$ 6075.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 7 Item 1 Type of Violation: **Serious** Accident Related

§3661(a). Brakes and Warning Devices.

"Every industrial truck and tractor shall be equipped with brakes or other effective devices adequate to bring the vehicle to a complete safe stop while fully loaded."

On and before December 23, 2011, the employer failed to ensure that all industrial trucks operated at its facility were equipped with brakes or other effective devices adequate to bring the vehicle to a complete safe stop while in operation.

1. On December 23, 2011, the Crown Industrial Truck's brakes (Model 50FCTT-188 S/N 1A154913) failed to stop the truck during operation.
2. Furthermore, on December 23, 2011 an employee sustained a serious injury to his right foot when the brakes of the Hyster Industrial Truck (Model N45ER and S/N C138DO1821J) failed to bring the vehicle to a safe stop while the employee was operating it. The employee's foot was crushed between the Hyster Industrial Truck and a concrete ramp wall.

Date By Which Violation Must be Abated:	06/29/2012
Proposed Penalty:	\$ 16200.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§3650(t)(5). Industrial Trucks. General.

"Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules: Employees shall not place any part of their bodies outside the running lines of an industrial truck or between mast uprights or other parts of the truck where shear or crushing hazards exist."

On and before December 23, 2011, the employer failed to ensure that industrial trucks used at its facility were operated in accordance with the safe operating rules, in that an employee operated a Standing Hyster Model N45ER (S/N C138DO1821J) with one foot extended outside the running line of the industrial truck.

Date By Which Violation Must be Abated: 06/29/2012
Proposed Penalty: \$ 6075.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 9 Item 1 Type of Violation: **Serious**

§3668(a). Powered Industrial Truck Operator Training.

"Safe Operation. (1) The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section. (2) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this section, except as permitted in subsection (e).

On and before December 23, 2011, the employer failed to ensure that all its employees operating powered industrial trucks had successfully completed the training and evaluation required by this Section.

Date By Which Violation Must be Abated: 06/29/2012
Proposed Penalty: \$ 6075.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 10 Item 1 Type of Violation: **Serious**

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

"(l) 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."

On or before February 16, 2012, employee's charged batteries for industrial trucks and were not provided facilities for quick drenching or flushing of the eyes and body.

Date By Which Violation Must be Abated: 07/09/2012
Proposed Penalty: \$ 4050.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 11 Item 1 Type of Violation: **Serious**

§3210(c). Guardrails at Elevated Locations.

"Where the guardrail requirements of subsections (a) and (b) are impracticable due to machinery requirements or work processes, an alternate means of protecting employees from falling, such as personal fall protection systems, shall be used."

On or before March 2, 2012, employees worked at the following locations where there were no guardrails and personal fall protection was either not properly anchored or not provided:

- 1. When walking on scrap roll-off, located outside on the concrete ramp, fall protection was not used and**
- 2. When wearing personal fall protection while repairing the Line 2 Mid-Dryer the employee was not attached to an approved anchor.**

Ref. §1670(i). Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices. Lifelines and anchorages shall be capable of supporting a minimum dead weight of 5000 pounds.

Date By Which Violation Must be Abated:	07/09/2012
Proposed Penalty:	\$ 4050.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 12 Item 1 Type of Violation: **Serious**

§3999(b). Conveyors.

"Belt conveyor head pulleys, tail pulleys, single tension pulleys, dip take-up pulleys, chain conveyor head drums or sprockets and dip take-up drums and sprockets shall be guarded. The guard shall be such that a person cannot reach behind it and become caught in the nip point between the belt, chain, drum, pulley or sprocket."

On or before March 2, 2012 employees operated the following belt conveyors whose head pulleys were not guarded;

1. The Line 2 off loading side of the conveyor away from the mixer;
2. The Line 4 off loading side of the conveyor away from the mixer;
3. The Shaker Line off loading side;
4. The Hot Line off loading side, and
5. The Line 4 dryer off loading conveyor at the Southwest corner.

Date By Which Violation Must be Abated: 07/09/2012
Proposed Penalty: \$ 6075.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 13 Item 1 Type of Violation: **Serious**

§4050(a). Shafting, Collars, Clutches, and Couplings.

"All exposed parts of line or countershafting or collars, clutches, cut-off couplings and clutch pulleys seven feet or less above floor or other working level shall be guarded."

On or before march 2, 2012, the following were unguarded:

1. The revolving drive shaft on Line 4 at the Extruder;
2. The revolving drive shaft on the motor at the Line 1 spreader;
3. The revolving shaft below the Line 1 mixer, and
4. The revolving drive shaft on the conveyor drive for the Shaker Conveyor.

Date By Which Violation Must be Abated:	07/09/2012
Proposed Penalty:	\$ 4050.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 14 Item 1 Type of Violation: **Repeat Serious**

§4070(a). Guarding.

"All moving parts of belt and pulley drives located 7 feet or less above the floor or working level shall be guarded."

On or before April 6, 2012, the belt and pulley drives on at least the following equipment, at the following locations, were unguarded, and they were located 7 feet or less above the floor,:

- 1. The Line 4 Extruder belt and pulley;**
- 2. The belt and pulley located inside the cabinet on the North side of the Pavan (Costa Macaroni #01035), and**
- 3. The belt and pulley on the Shaker Line.**

This is a Repeat Violation of Citation number 3 Item number 1, Inspection number 313508046, Report number 028-10, Region 3 District 3, Issued on August 30, 2010. This citation became a final order of the Board on February 28, 2011.

Date By Which Violation Must be Abated:	07/09/2012
Proposed Penalty:	\$ 24300.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 15 Item 1 Type of Violation: **Serious**

§4002(a). Moving Parts of Machinery or Equipment.

"All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded."

On or before March 2, 2012 employees operated Line 2 with revolving blades, located opposite the Line 1 mixer inside a yellow housing, that was not guarded.

Date By Which Violation Must be Abated: 07/09/2012
Proposed Penalty: \$ 4050.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 16 Item 1 Type of Violation: **Serious**

§4184(b). Guarding Required.

"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 or before April 6, 2012 employees operated the the Line 1 Spreader pasta trim knives that were not guarded.

Date By Which Violation Must be Abated: 07/09/2012
Proposed Penalty: \$ 4050.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 - 06/22/2012
Issuance Date: 07/02/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 17 Item 1 Type of Violation: **Serious**

§5185(k). Changing and Charging Storage Batteries.

"When charging batteries, the vent caps shall be kept firmly in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning. The battery compartment cover(s) shall be open to dissipate heat."
"

On or before February 16, 2012, employee charged at least the following industrial trucks with the battery compartment cover closed:

1. Hyster Model N45ER and S/N C138DO1821J;
2. Crown Industrial Truck (Model 50FCTT-188 S/N 1A154913;
3. Green Mitsubishi Electric Pallet Jack (Model PMWR30 S/N PMER2224), and
4. Red Raymond Electric Pallet Jack (Model EAS).

Date By Which Violation Must be Abated:	07/09/2012
Proposed Penalty:	\$ 4050.00

R. F. [Signature] /ADM

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.

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: MAPLEGROVE GLUTEN FREE FOODS INC

Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337
Mailing Address: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Issuance Date: 07/02/2012 + 6/22/12

Reporting ID: 0950662

Index Code: 4502

Summary of Penalties for Inspection Number 314758715

Citation 1, Regulatory	= \$	12920.00
Citation 2, Serious	= \$	4050.00
Citation 3, Repeat General	= \$	1350.00
Citation 4, Serious	= \$	4050.00
Citation 5, Repeat General	= \$	3600.00
Citation 6, Serious	= \$	6075.00
Citation 7, Serious	= \$	16200.00
Citation 8, Serious	= \$	6075.00
Citation 9, Serious	= \$	6075.00
Citation 10, Serious	= \$	4050.00
Citation 11, Serious	= \$	4050.00
Citation 12, Serious	= \$	6075.00
Citation 13, Serious	= \$	4050.00
Citation 14, Repeat Serious	= \$	24300.00
Citation 15, Serious	= \$	4050.00
Citation 16, Serious	= \$	4050.00
Citation 17, Serious	= \$	4050.00
TOTAL PROPOSED PENALTIES	= \$	115070.00

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 electronically: 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
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH / CAL/OSHA

Cashier, Accounting Office

P.O. Box 420603

San Francisco, CA 94142-0603

Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION	INSPECTION NUMBER	<u>314758715</u>	REPORTING ID	<u>0950662</u>	INDEX CODE	<u>4502</u>
ESTABLISHMENT NAME	<u>MAPLEGROVE GLUTEN FREE FOODS INC</u>					
CONTACT PERSON	_____					
PHONE NO.	_____	FAX NO.	_____			
SITE ADDRESS	<u>13112 SANTA ANA AVE UNIT A2 & A3. FONTANA. CA 92337</u>					
MAILING ADDRESS	<u>13112 SANTA ANA AVE UNIT A2 & A3. FONTANA. CA 92337</u>					

CITATION INFORMATION (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.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION	
CHECK ENCLOSED IN THE AMOUNT OF	\$ _____
MONEY ORDER ENCLOSED IN THE AMOUNT OF	\$ _____
(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)	

Go to www.dir.ca.gov/dosh to access the third party secure payment processing site
OR Complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. _____ EXPIRATION DATE _____

CREDIT CARD TYPE (DISCOVER, MC, and AMEX): _____ (4 digits in front of card for AMEX)

CREDIT CARD SECURITY CODE (last 3 digits on back of card for VISA & MC) _____

NAME OF CARDHOLDER _____ SIGNATURE _____

EMAIL ADDRESS: _____

CARDHOLDER PHONE NO. _____ FAX NO. _____

AMOUNT OF PAYMENT \$ _____

_____ FOR OFFICE USE ONLY _____

AUTHORIZATION NO. _____ DATE PROCESSED _____

PROCESSED BY _____

(Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037)

Cal/OSHA-2 PRF 7/08

STATE OF CALIFORNIA
 DEPARTMENT OF INDUSTRIAL RELATIONS
 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
Notification of Failure to Abate Alleged Violation

1. Original Inspection Date(s)	2. Original Inspection Number
04/07/2012	313508046

3. Issuance Date 07/02/2012	4. Inspection Number 314758715
5. Reporting ID 950621	6. CSE/H ID P2137
7. Optional Report No. 019-12	8. Page No. 1 of 2

10. Inspection Date(s): 01/05/12-09/02/2012

11. Inspection Site: 13112 Santa Ana Ave. Unit A-2 A-3
 Fontana CA 92337

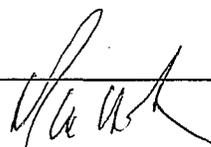
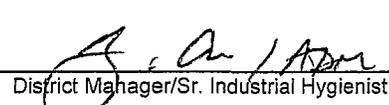
9. To: Maplegrove Gluten Free Foods, Inc.
 and its successors
 13112 Santa Ana Ave. Unit A-2 A-3
 Fontana CA 92337

After the original inspection, a Citation was issued to you in accordance with the provisions of the California Labor Code notifying you of alleged violations and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. You are to notify the Division of Occupational Safety and Health in writing of the date and nature of the corrective action taken.

This notification will become a final order not subject to review by any court or agency, unless you notify the California Occupational Safety and Health Appeals Board in writing of your intent to appeal the additional penalties within 15 days after receipt of this notification.

(SEE REVERSE SIDE FOR APPEAL RIGHTS)

Penalties
 Are Due
 Within 15
 Days of
 Receipt
 of This
 Notification
 Unless
 Contested

12. Citation Number – Item Number: 1-5	15. Additional Penalty	Number of Days Fail to Abate	
13. Standard Regulation or Section of the Act Violated: T8 CCR 5194(e)(1)			
14. Description: Citation 1 Item 5. General. §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." On or before January 6, 2012, Maplegrove Gluten Free Foods Inc., still had not developed, implemented, or maintained a written Hazard Communication Program for employees working with, but not limited to, Compressed fuel gas, flour dust, battery acid, hydraulic fluids.	\$20,360	45 Days	
16. Signature  Safety Engineer/Industrial Hygienist	 District Manager/Sr. Industrial Hygienist	17. \$20,360	Total Additions Penalty

Payment of all penalties shown is to be made by check or money order payable to "Cal/OSHA".

RETURN ONE COPY AND THIS NOTICE
 WITH YOUR REMITTANCE AND MAIL TO:

DEPARTMENT OF INDUSTRIAL RELATIONS
 CASHIER, ACCOUNTING OFFICE
 P.O. Box 420603
 San Francisco, CA 94142-0603

Make Check or
 Money Order
 Payable to
 "Cal/OSHA"
 Indicate
 Inspection
 Number on
 Remittance

STATE OF CALIFORNIA
 DEPARTMENT OF INDUSTRIAL RELATIONS
 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
Notification of Failure to Abate Alleged Violation

1. Original Inspection Date(s)	2. Original Inspection Number
04/07/2012	313508046

3. Issuance Date 07/02/2012	4. Inspection Number 314758715
5. Reporting ID 950621	6. CSE/IH ID P2137
7. Optional Report No. 019-12	8. Page No. 2 of 2

10. Inspection Date(s): 01/05/12-09/02/2012

11. Inspection Site: 13112 Santa Ana Ave. Unit A-2 A-3
 Fontana CA 92337

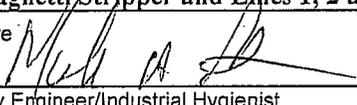
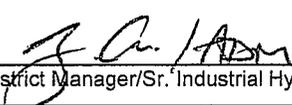
Penalties
 Are Due
 Within 15
 Days of
 Receipt
 of This
 Notification
 Unless
 Contested

9. To: Maple Grove Gluten Free Foods, Inc.
 and its successors
 13112 Santa Ana Ave. Unit A-2 A-3
 Fontana CA 92337

After the original inspection, a Citation was issued to you in accordance with the provisions of the California Labor Code notifying you of alleged violations and the dates by which they were to be abated. Based upon reinspection, it is alleged that you have failed to abate the violation(s) listed below within the time prescribed, and the following additional penalties are proposed. You are to notify the Division of Occupational Safety and Health in writing of the date and nature of the corrective action taken.

This notification will become a final order not subject to review by any court or agency, unless you notify the California Occupational Safety and Health Appeals Board in writing of your intent to appeal the additional penalties within 15 days after receipt of this notification.

(SEE REVERSE SIDE FOR APPEAL RIGHTS)

12. Citation Number – Item Number: 1-4	15. Additional Penalty	Number of Days Fail to Abate	
13. Standard Regulation or Section of the Act Violated: T8 CCR 3314(g)			
14. Description: Citation 1 Item 4. General. §3314(g). The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout. "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. (1) The procedure shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance, including but not limited to, the following: (A) A statement of the intended use of the procedure; (B) The procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy; (C) The procedural steps for the placement, removal and transfer of lockout devices and tagout devices and responsibilities; and, (D) The requirements for testing a machine or equipment, to determine and verify the effectiveness of lockout devices, tagout devices and other hazardous energy control devices. (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. Exception to subsection (g)(2)(A): The procedural steps for the safe lockout/tagout of prime movers, machinery or equipment may be used for a group or type of machinery or equipment, when either of the following two conditions exist: (1) Condition 1: (A) The operational controls named in the procedural steps are configured in a similar manner, and (B) The locations of disconnect points (energy isolating devices) are identified, and (C) The sequence of steps to safely lockout or tagout the machinery or equipment are similar. (2) Condition 2: The machinery or equipment has a single energy supply that is readily identified and isolated and has no stored or residual hazardous energy." On or before January 6, 2012, Maple Grove Gluten Free Foods Inc., still had not developed and utilized a written Hazardous Energy Control Procedure for employees working on the De Francisci Long Goods Spaghetti Stripper and Lines 1, 2 and 4.	\$76,470	45 Days	
16. Signature  Safety Engineer/Industrial Hygienist	17.  District Manager/Sr. Industrial Hygienist	\$76,470	Total Additional Penalty

Payment of all penalties shown is to be made by check or money order payable to "Cal/OSHA".

RETURN ONE COPY AND THIS NOTICE
 WITH YOUR REMITTANCE AND MAIL TO:

DEPARTMENT OF INDUSTRIAL RELATIONS
 CASHIER, ACCOUNTING OFFICE
 P.O. Box 420603
 San Francisco, CA 94142-0603

Make Check or
 Money Order
 Payable to
 "Cal/OSHA"
 Indicate
 Inspection
 Number on
 Remittance

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



Citation and Notification of Penalty

To:
MAPLEGROVE GLUTEN FREE FOODS INC
its successors
13112 SANTA ANA AVE UNIT A2 & A3
FONTANA, CA 92337

Inspection Number: 314758715
Inspection Date(s): 01/06/2012 and
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Report #: 019-012
Reporting ID: 0950662

Inspection Site:
13112 SANTA ANA AVE UNIT A2 & A3
FONTANA, CA 92337

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 (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

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 agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety & Health Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone (916) 274-5751
Fax (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

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

If you are paying electronically, please have the Penalty Remittance 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 in order 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, return one copy of the citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations
Cashier, Accounting Office
P. O. Box 420603
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date." **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
2000 East McFadden Avenue, Suite 111
Santa Ana, CA 92705
Telephone: (714) 567-7100

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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: 314758715
Inspection Dates: 01/06/2012 -
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§342(a). Reporting Work-Connected Fatalities and Serious Injuries.

"Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code."

On December 23, 2011, an employee of Maplegrove Gluten Free Foods, Inc. sustained a serious injury. The employer did not report the accident in a timely fashion as required by this Section.

This is a repeat violation of Citation 1 Item 1, Inspection number 313508038, issued on 12/10/10, which became a Final Order of the Board on 2/25/11.

Date By Which Violation Must be Abated: 07/22/2012
Proposed Penalty: \$ 10000.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 -
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 7 Item 1 Type of Violation: **Serious Accident Related**

§3661(a). Brakes and Warning Devices.

"Every industrial truck and tractor shall be equipped with brakes or other effective devices adequate to bring the vehicle to a complete safe stop while fully loaded."

On and before December 23, 2011, the employer failed to ensure that all industrial trucks operated at its facility were equipped with brakes or other effective devices adequate to bring the vehicle to a complete safe stop whin in operation.

1. On December 23, 2011, the Crown Industrial Truck's brakes (Model 50FCTT-188 S/N 1A154913) failed to stop the truck during operation.

2. Furthermore, on December 23, 2011 and employee sustained a serious injury to his right foot when the brakes of the Hyster Industrial Truck (Model N45ER and S/N C138DO1821J) failed to bring the vehicle to a safe stop while the employee was operation it. The employee's foot was crushed between the Hyster Industrial Truck and a concrete ramp wall.

Date By Which Violation Must be Abated: 06/29/2012
Proposed Penalty: \$ 16200.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 -
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

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

§3650(t)(5). Industrial Trucks. General.

"Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules: Employees shall not place any part of their bodies outside the running lines of an industrial truck or between mast uprights or other parts of the truck where shear or crushing hazards exist."

On and before December 23, 2011, the employer failed to ensure that industrial trucks used at its facility were operated in accordance with the safe operating rules, in that an employee operated a Standing Hyster (Model N45ER and S/N C138DO1821J) with one foot extended outside the running line of the industrial truck.

Date By Which Violation Must be Abated: 06/29/2012
Proposed Penalty: \$ 6750.00

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 High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314758715
Inspection Dates: 01/06/2012 -
Issuance Date: 06/22/2012
CSHO ID: P2137
Optional Inspection Nbr: 019-012



Citation and Notification of Penalty

Company Name: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337

Citation 9 Item 1 Type of Violation: **Serious**

§3668(a). Powered Industrial Truck Operator Training.

"Safe Operation. (1) The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this section. (2) Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this section, except as permitted in subsection (e)."

On and before December 23, 2011, the employer failed to ensure that all its employees operating powered industrial trucks had successfully completed the training and evaluation required by this Section.

Date By Which Violation Must be Abated: 06/29/2012
Proposed Penalty: \$ 6750.00



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.

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: MAPLEGROVE GLUTEN FREE FOODS INC
Inspection Site: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337
Mailing Address: 13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337
Issuance Date: 06/22/2012
Reporting ID: 0950662
Index Code: 4502

Summary of Penalties for Inspection Number 314758715

Citation 1, Repeat Other	= \$	10000.00
Citation 7, Serious	= \$	16200.00
Citation 8, Serious	= \$	6750.00
Citation 9, Serious	= \$	6750.00
TOTAL PROPOSED PENALTIES	= \$	39700.00

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 electronically: 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
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, will cash the check or money order and these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH / OSHA
Cashier, Accounting Office
P.O. Box 420603
San Francisco, CA 94142-0603
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION	INSPECTION NUMBER <u>314758715</u>	REPORTING ID <u>0950662</u>	INDEX CODE <u>4502</u>
ESTABLISHMENT NAME	<u>MAPLEGROVE GLUTEN FREE FOODS INC</u>		
CONTACT PERSON	_____		
PHONE NO.	_____	FAX NO.	_____
SITE ADDRESS	<u>13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337</u>		
MAILING ADDRESS	<u>13112 SANTA ANA AVE UNIT A2 & A3, FONTANA, CA 92337</u>		

CITATION INFORMATION (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.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION	
CHECK ENCLOSED IN THE AMOUNT OF	\$ _____
MONEY ORDER ENCLOSED IN THE AMOUNT OF	\$ _____

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to www.dir.ca.gov/dosh to access the c third party secure payment processing site

OR Complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. _____ EXPIRATION DATE _____

CREDIT CARD TYPE (DISCOVER, MC, and AMEX): _____ (4 digits in front of card for AMEX)

CREDIT CARD SECURITY CODE (last 3 digits on back of card for VISA & MC) _____

NAME OF CARDHOLDER _____ SIGNATURE _____

EMAIL ADDRESS: _____

CARDHOLDER PHONE NO. _____ FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____ DATE PROCESSED _____

PROCESSED BY _____

(Please call (415) 703-4291 or 703-4295 or complete the information above and fax to (415) 703-3037)

Cal/OSHA-2 PRF 7/08