

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

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

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NOV 18 2010

OSH Appeals Board

APPEAL FORM

2010-R 3 D 6 -3592

312663628

Inspection Number on Citation

Reliable Container Corporation

Employer Name on Citation

Employer Legal Name or DBA (Optional)

9206 Santa Fe Springs Road

Address

Santa Fe Springs, CA 90670

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

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

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

1. This is an Appeal from:

[ ✓ ] CITATION NO(s): 1 \_\_\_\_\_ Item No(s): 1 \_\_\_\_\_

[ ✓ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION

CITATION NO(s): 1 \_\_\_\_\_ Item No(s): 1 \_\_\_\_\_

[ ] SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_

Item No(s): \_\_\_\_\_

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

[ ✓ ] The safety order was not violated.

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

[ ✓ ] The abatement requirements are unreasonable.

[ ✓ ] Required changes [ ✓ ] Time allowed to complete changes

[ ✓ ] The proposed penalty is unreasonable.

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

Attachment to OSHAB Appeal Form  
Inspection Number 312663628  
Company Name: Reliable Container Corporation  
Inspection Site: 9206 Santa Fe Springs Road, Santa Fe Springs, CA 90670

(Citation No. 1, Item No. 1)

3. Explain any other reasons for appeal or issues to be raised on appeal.

**AFFIRMATIVE DEFENSES:**

- (1) Independent Employee Act;
- (2) No Employer Knowledge of Alleged Hazard;
- (3) No Employer Knowledge of Alleged Deficiencies;
- (4) Independent Failure of Safety Equipment;
- (5) The Citation is Duplicative;
- (6) Prejudicial Misconduct by Representatives of the Division;
- (7) The Employer Took Ample Alternative Precautions to Ensure the Safety of Its Employees;
- (8) The Division Relied on Evidence Known to Be Inaccurate and False;
- (9) The Alleged Violation Had No Causal Effect on the Incident of May 11, 2010; and
- (10) The Employer Reserves the Right to Add Additional Affirmative Defenses.

4.

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

Warren L. Nelson of Fisher & Phillips LLP

(Type or print name)

Attorney Representative of Reliable Container Corporation

(Title)

2050 Main Street, Suite 1000

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

Irvine

CA

92614

(City)

(State)

(Zip Code)

(949) 851-2414

wnelson@laborlawyers.com

11/15/10

(Telephone)

(E-Mail Address)

(Date)

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- G. Mail each completed Appeal form and citation or notification to the Occupational Safety and Health Appeals Board, 2520 Venture Oaks Way, Suite 300, Sacramento, CA 95833.
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NOV 16 2010

OSH Appeals Board

APPEAL FORM

312663628

Inspection Number on Citation

Reliable Container Corporation

Employer Name on Citation

Employer Legal Name or DBA (Optional)

9206 Santa Fe Springs Road

Address

Santa Fe Springs, CA 90670

2010-R 3 D 6 -3593

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1. This is an Appeal from:

[✓] CITATION NO(s): 2 Item No(s): 1

[✓] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): 2 Item No(s): 1

[ ] SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

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

[✓] The safety order was not violated.

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

[✓] The abatement requirements are unreasonable.

[✓] Required changes [✓] Time allowed to complete changes

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Please see attachment

Attachment to OSHAB Appeal Form  
Inspection Number 312663628  
Company Name: Reliable Container Corporation  
Inspection Site: 9206 Santa Fe Springs Road, Santa Fe Springs, CA 90670

(Citation No. 2, Item No. 1)

3. Explain any other reasons for appeal or issues to be raised on appeal.

**AFFIRMATIVE DEFENSES:**

- (1) Independent Employee Act;
- (2) No Employer Knowledge of Alleged Hazard;
- (3) No Employer Knowledge of Alleged Deficiencies;
- (4) Independent Failure of Safety Equipment;
- (5) The Citation is Duplicative;
- (6) Prejudicial Misconduct by Representatives of the Division;
- (7) The Employer Took Ample Alternative Precautions to Ensure the Safety of Its Employees;
- (8) The Division Relied on Evidence Known to Be Inaccurate and False;
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OSH Appeals Board

APPEAL FORM

2010-R 3 D 6 -3594

312663628

Inspection Number on Citation

Reliable Container Corporation

Employer Name on Citation

Employer Legal Name or DBA (Optional)

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Address

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[ ✓ ] CITATION NO(s): 3 Item No(s): 1

[ ✓ ] NOTIFICATION OF FAILURE TO ABATE ALLEGED VIOLATION  
CITATION NO(s): 3 Item No(s): 1

[ ] SPECIAL ORDER/SPECIAL ACTION NO: \_\_\_\_\_  
Item No(s): \_\_\_\_\_

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Inspection Site: 9206 Santa Fe Springs Road, Santa Fe Springs, CA 90670

OSH Appeals Board

(Citation No. 3, Item No. 1)

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**AFFIRMATIVE DEFENSES:**

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