Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509

Certified mail # 70031010 00035732 0035 11-10-11 jb

Safety Order and Notification of Penalty

To:

Crystal Valley Farms dba Miller Amish Country Poultry
and its successors
P.O. Box 239
Orland, IN 46776

Inspection Site:

9622 W County Road 350 N
Orland, IN 46776

Inspection Number: 315650176

Inspection Date(s): 09/02/2011 - 09/28/2011

Issuance Date: 11/10/2011

The violation(s) described in this Safety Order 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.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means

Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any

abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 11/10/2011. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Safety Order and Notification of Penalty

Company Name: Crystal Valley Farms dba Miller Amish Country Poultry
Inspection Site: 9622 W County Road 350 N, Orland, IN 46776

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Safety Order 1 Item 1a Type of Violation: **Serious**

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

Cage Dump Area - On September 1, 2011, and at times prior to: two maintenance employees entered the space below the tilt table and were exposed to a caught-between hazard while engaged in repairing and adjusting the crossover chain. The space was a permit-required confined space due to the potential for crushing injuries from the tilt table.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$5,000.00**

Safety Order 1 Item 1b Type of Violation: **Serious**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

Cage Dump Area - On September 1, 2011, and at times prior to: two maintenance employees entered the space below the tilt table and were exposed to a caught-between hazard while engaged in repairing and adjusting the crossover chain. The space was a permit-required confined space due to the potential for crushing injuries from the tilt table.

Date By Which Violation Must be Abated: **12/08/2011**

Safety Order and Notification of Penalty

Company Name: Crystal Valley Farms dba Miller Amish Country Poultry
Inspection Site: 9622 W County Road 350 N, Orland, IN 46776

Safety Order 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure and employee training to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment would be isolated, and rendered inoperative in accordance with 29 CFR 1910.147(c)(4):

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees entered the permit-required confined space below the tilt table and were exposed to a caught-between hazard while engaged in repairing and adjusting the crossover chain. The machine was not locked out, and a maintenance employee was crushed in a pinch point between a hydraulic cylinder and the frame of the dumper equipment when the tilt arms were lowered.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$5,000.00**

Safety Order and Notification of Penalty

Company Name: Crystal Valley Farms dba Miller Amish Country Poultry
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Safety Order 1 Item 3a Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees were exposed to a caught between hazard while engaged in repairing, maintaining, adjusting, and un-jamming machinery and equipment. Maintenance employees serviced equipment including but not limited to the cage dumper and conveyor systems.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$5,000.00**

Safety Order 1 Item 3b Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to Items A-D of this section:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees serviced equipment including but not limited to the Bright Coop, Inc. Cage Dump System. Specific lockout procedures were not developed, documented and utilized for all forms of hazardous energy that might be present while employees were making repairs and/or adjustments to the cage dump system.

Date By Which Violation Must be Abated: **12/08/2011**

Safety Order and Notification of Penalty

Company Name: Crystal Valley Farms dba Miller Amish Country Poultry

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Safety Order 1 Item 4a Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees serviced equipment including but not limited to the Bright Coop, Inc. Cage Dump System.

Date By Which Violation Must be Abated: **12/08/2011**

Proposed Penalty: **$5,000.00**

Safety Order 1 Item 4b Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(ii): The employer had not certified that periodic inspections of the energy control procedures had been performed:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees serviced equipment including but not limited to the Bright Coop, Inc. Cage Dump System.

Date By Which Violation Must be Abated: **12/08/2011**

Indiana Department of Labor

Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: Crystal Valley Farms dba Miller Amish Country Poultry
Inspection Site: 9622 W County Road 350 N, Orland, IN 46776

Safety Order 1 Item 5 Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i): The employer did not provide adequate training to ensure: 1) That the purpose and function of the energy control program was understood by the employees and 2) That the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees were exposed to a caught between hazard while engaged in repairing, maintaining, adjusting, and un-jamming of the Cage Dump System as a result of the employer's failure to ensure all authorized employees received adequate training for the control of hazardous energy sources.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$5,000.00**

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Safety Order 1 Item 6a Type of Violation: **Serious**

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew, craft, department, or other group:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees entered the permit-required confined space below the tilt table and were exposed to a caught between hazard while engaged in repairing and adjusting the crossover chain. The machine was not locked out, and a maintenance employee was crushed in a pinch point between a hydraulic cylinder and the frame of the dumper equipment when the tilt arms were lowered.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$5,000.00**

Safety Order 1 Item 6b Type of Violation: **Serious**

29 CFR 1910.147(f)(3)(ii): Group lockout or tagout devices were not used in accordance with procedures required by 29 CFR 1910.147(c)(4), including, but not limited to, Items (A) through (D) of this section:

Cage Dump Area - On September 1, 2011 and at times prior to; maintenance employees entered the permit-required confined space below the tilt table and were exposed to a caught between hazard while engaged in repairing and adjusting the crossover chain. The machine was not locked out, and a maintenance employee was crushed in a pinch point between a hydraulic cylinder and the frame of the dumper equipment when the tilt arms were lowered.

Date By Which Violation Must be Abated: **12/08/2011**

Safety Order 2 Item 1 Type of Violation: **Knowing**

29 CFR 1910.147(c)(2)(ii): Where an energy isolating device was capable of being locked out, the employer's energy control program under 29 CFR 1910.147(c)(1) did not utilize a lockout program or a tagout program as set forth in paragraph (c)(3):

Cage Dump Area - Crystal Valley Farms doing business as Miller Amish Country Poultry failed to protect maintenance employees from hazardous energy sources while engaged in maintenance, repairs, and adjustments to machinery and equipment by ensuring that the hazardous energy sources were isolated or locked out according to the procedures of this Standard: On September 1, 2011 and at times prior to; two maintenance employees entered a permit-required confined space below the tilt table and performed repairs to the crossover chain. The 480V electrical disconnect and the 1600 psi hydraulic line pressure were not locked out, and a maintenance employee was crushed in a pinch point between a hydraulic cylinder and the frame of the dumper equipment when the tilt arms were lowered.

To abate this hazard, Crystal Valley Farms doing business as Miller Amish Country Poultry shall establish that if an energy isolating device is capable of being locked out, the employer's energy control program under paragraph (c)(1) of this section shall utilize lockout, unless the employer can demonstrate that the utilization of a tagout system will provide full employee protection as set forth in paragraph (c)(3) of this section.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$70,000.00**

Safety Order 2 Item 2 Type of Violation: **Knowing**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 315650176
Inspection Dates: 09/02/2011 - 09/28/2011
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29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedures) did not cover the following elements, actions and done in sequence as required by 29 CFR 1910.147 (d)(1) - (d)(6):

Cage Dump Area - Crystal Valley Farms doing business as Miller Amish Country Poultry failed to protect maintenance employees from hazardous energy sources while engaged in maintenance, repairs, and adjustments to machinery and equipment by ensuring that the hazardous energy sources were isolated or locked out according to the procedures and sequence of this Standard: On September 1, 2011 and at times prior to; maintenance employees were exposed to a caught between hazard while engaged in repairing, maintaining, adjusting, and un-jamming machinery and equipment.

To abate this hazard, Crystal Valley Farms doing business as Miller Amish Country Poultry must require that employees follow the energy isolation procedures required by this Standard to include: preparation for shutdown, machine shutdown, machine isolation, verification of isolation and release from lockout whenever employees are potentially exposed to hazardous energy sources during repairs, maintenance, adjustments, and un-jamming equipment.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$70,000.00**

Indiana Department of Labor

Occupational Safety and Health Administration

Inspection Number: 315650176
Inspection Dates: 09/02/2011 - 09/28/2011
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Company Name: Crystal Valley Farms dba Miller Amish Country Poultry
Inspection Site: 9622 W County Road 350 N, Orland, IN 46776

Safety Order 2 Item 3 Type of Violation: **Knowing**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by a pinch point:

a) Cage Dump System: Crystal Valley Farms doing business as Miller Amish Country Poultry failed to protect Cage Dump System operators from pinch points by ensuring machine guarding and/or safe guards were installed. On September 1, 2011, and at times prior to; Employees were exposed to a pinch point hazard while working at the operator's station due to unguarded openings to the tilt table and conveyors. Operators exited the operator's station and walked out onto the tilt table and conveyers with the system operational. Forklift operator placed cages on the line exposing the operator to a pinch point between the stationary cages on the tilt table and those cages moving on the incoming and outgoing conveyors.

b) Cage Dump System: Crystal Valley Farms doing business as Miller Amish Country Poultry failed to protect Cage Dump System operators from pinch points by ensuring machine guarding and/or safe guards were installed. On September 1, 2011, and at times prior to: Employees were exposed to a pinch point hazard while working at the operator's station due to an unguarded opening to the tilt table. Operators exited the operator's station onto the tilt table used for dumping cages of live chickens into a receiving cage and were exposed to a pinch point between the tilt arm and the frame of the equipment.

To abate this hazard, Crystal Valley Farms dba Miller Amish Country Poultry shall install guarding and/or safe guards to protect the operator from recognized pinch points.

Date By Which Violation Must be Abated: **12/08/2011**
Proposed Penalty: **$70,000.00**

Robert A. Kattau
Director, Industrial Compliance

Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
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Phone: 317/232-1979 Fax: 317/233-8509

INVOICE/DEBT COLLECTION NOTICE

Company Name: Crystal Valley Farms dba Miller Amish Country Poultry
Inspection Site: 9622 W County Road 350 N, Orland, IN 46776
Issuance Date: 11/10/2011

Summary of Penalties for Inspection Number 315650176

Safety Order 01, Serious	=	$30,000.00
Safety Order 02, Knowing	=	$210,000.00
Total Proposed Penalties		$240,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check (money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

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

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatemei dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Robert A. Kattau
Director, Industrial Compliance

11-10-11
Date