



South Carolina  
Department of Labor, Licensing and Regulation



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Columbia, SC 29211-1329

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Mark Sanford  
Governor

Adrienne Riggins Youmans  
Director

Division of Labor-OSHA

October 19, 2007

Mr. Pat Emrich  
Nestle Prepared Foods Co  
2132 Old Georgia Hwy  
Gaffney SC 29342

RE: Citation No.1 (Serious)  
Issued date September 12, 2007  
Optional Report 0195-08

Dear Mr. Emrich:

In reference to the Informal Conference held on  
September 25, 2007, the following decisions are submitted:

- (1) Affirmed all citations and penalties.
- (2) Serious Item Nos. **1 and 2** are grouped to form one Serious violation with an amended penalty in the amount of **\$1,875.00**.
- (3) The Total penalty was **\$3,750.00** amended to **\$1,875.00**.
- (4) Implemented the Employer's Penalty Option thereby reducing the penalty to the amount of **\$750.00**.

A copy of the enclosed amended citation must be posted at the establishment for three (3) days or until the items are abated; whichever is later.

As explained at the informal conference, you have waived your right to protest any of the amended or original portions of the citation and/or penalty.

Sincerely,

Anthony Wilks  
OSHA Compliance Manager  
AW/jf

Enclosures

# South Carolina Department of Labor, Licensing and Regulation

Office of Occupational Safety and Health

P.O. Box 11329  
Columbia, S.C. 29211

## Citation and Notification of Penalty

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date 09/12/07	4. Inspection Number 310971171
5. Reporting ID 0454510	6. CO/IH ID E2835
7. Optional Report No. 0196-08	8. Page No. 1 of 2

**Penalties Are Due Within 20 Calendar Days of Receipt of This Notification Unless Contested**

1. Type of Violation(s)	2. Citation Number
Serious	01

10. Inspection Date(s):  
07/27/07 - 08/28/07

11. Inspection Site:  
Nestle Prepared Foods Company  
2132 Old Georgia Road  
Gaffney, SC 29342

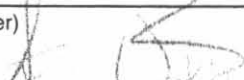
9. To:  
Nestle Prepared Foods Company  
30003 Bainbridge Rd  
Solon, OH 44139

This Section May Be Detached Before Posting

**THE LAW REQUIRES** that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and State holidays), whichever is longer.

This Citation describes alleged Occupational Safety and Health violations in accordance with the provisions of Section 41-15-280, South Carolina Code of Laws, 1976, as amended. The penalty(ies) listed are based on these violations. You must correct the violations referred to in this Citation by the dates listed below and pay the penalties proposed, pursuant to the provisions of Section 41-15-300, South Carolina Code of Laws, 1976, as amended, unless within 20 calendar days from your receipt of this citation and penalty you mail a notice of **PROTEST** to the South Carolina Department of Labor, Licensing and Regulation at the address shown above, or request an **INFORMAL** Conference.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	SCRR Chapter 71, 1-1910.147(c)(4)(i): Failed to develop, document and utilize procedures for the control of potentially hazardous energy when employees are engaged in the activities covered by this section, as follows: A. On or about July 27, 2007, one mechanic performing repairs to photo eye on HK SRM 4000 Hi-Rise Crane C did not utilize lockout/tagout procedures.		09/18/07	\$1875.

17. Signature (Compliance Manager) 

18.

**NOTICE TO EMPLOYEES** – The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The **PROTEST** must be mailed to the South Carolina Department of Labor, Licensing and Regulation at the address shown above within 20 calendar days of the receipt by the employer of this citation and penalty.

**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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the South Carolina Department of Labor, Licensing and Regulation at the address shown above.

**Total Penalty for This Citation**  
Make Check or Money Order Payable to: "South Carolina" Department of Labor, Licensing and Regulation  
Indicate Inspection Number on Remittance

CASE FILE COPY

# South Carolina Department of Labor, Licensing and Regulation

Office of Occupational Safety and Health

P.O. Box 11329  
Columbia, S.C. 29211

## Citation and Notification of Penalty

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3. Issuance Date 09/12/07	4. Inspection Number 310971171
5. Reporting ID 0454510	6. CO/IF ID 02835
7. Optional Report No. 0195-08	8. Page No. 2 of 2

10. Inspection Date(s):  
07/27/07 - 08/28/07

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:

Nestle Prepared Foods Company  
2132 Old Georgia Road  
Gaffney, SC 29342

9. To:

Nestle Prepared Foods Company  
30003 Bainbridge Rd  
Solon, OH 44139

Penalties  
Are Due  
Within 20  
Calendar  
Days of  
Receipt  
of This  
Notification  
Unless  
Contested

This Section  
May Be  
Detached  
Before  
Posting

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
2		SCRR Chapter 71, 1-1910.147(c)(4)(ii): Failed to specifically outline in the energy procedures 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, Items A-D of this section, as follows: A. On or about July 27, 2007, machine specific lockout procedures utilized by operators for equipment such as, but not limited to, HK SRM 4000 Hi-Rise Crane A, B & C did not have the following items: (1) each specific location for where disconnects are located; (2) instructions to apply lock to lockout disconnect; (3) specific amount of voltage; and (4) specific procedures for verifying that the electrical power is rendered safe.	10/15/07	\$1875

17. Signature (Compliance Manager)

Anthony Wilks

18.

\$3750.

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Total  
Penalty  
for This  
Citation  
Make Check or Money  
Order Payable to:  
"South Carolina"  
Department of Labor,  
Licensing and Regulation

Indicate  
Inspection  
Number  
on Remittance

CASE FILE COPY

NOTIFICATION AND NOTIFICATION OF PENALTY

SCOSH-2 (Rev. 1/94)

Accident Summary  
Nestle

E2835

03-08

On July 27, 2007 employee one was adjusting a photo eye and reflexor on a HK SRM 4000 Hi-Rise Crane C. The establishment is a large frozen prepared food establishment. The control room had seen an error message and called the mechanic on the radio for a repair. The mechanic was found kneeling with his head impaled into a metal structure. He died at the scene from massive head trauma. No lock had been applied to the disconnect and the crane was still in Automatic mode.