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HAWAII
LABOR RELATIONS BOARD

Attorneys for Complainant Director,
Department of Labor and Industrial Relations

HAWAII LABOR RELATIONS BOARD

STATE OF HAWAII

In the Matter of DIRECTOR,)	CASE NO. OSH 2005-2
)	
DEPARTMENT OF LABOR AND)	STIPULATION AND SETTLEMENT
INDUSTRIAL RELATIONS,)	AGREEMENT; EXHIBIT A; APPROVAL
)	AND ORDER
Complainant,)	
)	
vs.)	
)	
ALOUN FARMS, INC.,)	
)	
Respondent.)	

STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director, Department of Labor and Industrial Relations ("Director") and Respondent ALOUN FARMS, INC. ("Respondent"), having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawai'i Labor Relations Board ("Board") stipulate and agree as follows:

On or about November 8, 2004 to November 15, 2004, the Director, by and through the State of Hawai'i's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 91-1440 Farrington Highway, Kapolei, Hawaii 96707.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty on February 2, 2005 ("Citation") to Respondent alleging violations of the Hawai'i Occupational Safety and Health Standards and assessed an aggregate penalty of \$20,300.00. *See Exhibit A.*

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawai'i Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 91-1440 Farrington Highway, Kapolei, Hawaii 96707.
3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirement of HRS chapter 396, the Hawai'i Occupational Safety and Health Law.
4. Respondent agrees that it has or will abate each violation listed in the Citation in compliance with the abatement requirements under Hawai'i Administrative Rule § 12-51-22. Respondent shall submit the completed abatement certification to HIOSH no later than ten (10) days after the date this Agreement is filed; failure to timely do so may result in additional penalties or follow up inspections.
5. The violations and corresponding characterizations as stated in the Citation are affirmed. *See Exhibit A.*
6. The Director reduces the aggregate penalty from \$20,300.00 to \$16,240.00 which shall be paid in full to the Director of Budget and Finance upon the execution of this

Agreement. Respondent agrees to pay the reduced aggregate penalty of \$16,240.00 in eleven, equal, monthly installments of \$1353.33 and a final monthly payment of \$1353.37. Each monthly payment shall be due and payable on the first day of each month, beginning with the month of May 2005. Respondent further agrees that if it fails to comply with the payment plan, the Director may give notice and may declare the entire original penalty in the amount of \$20,300.00 immediately due and owing, provided that all payments made by Respondent shall be credited to Respondent and retained by the Director.

7. If Respondent fails to pay all penalties and the Director institutes legal action to collect on the outstanding amount due, Respondent agrees to pay all fees and costs, including reasonable attorney's fees, incurred to collect on the unpaid penalties. Any forbearance by the Director in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

8. Except for the stipulated amendments described above, the Citation is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.


9. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

10. Respondent shall continue to comply with HRS chapter 396, the Hawai'i Occupational Safety and Health Law, and the related rules.

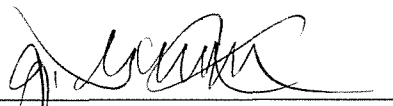
11. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate HRS chapter 396, the Hawai'i Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawaii, May 19, 2005.

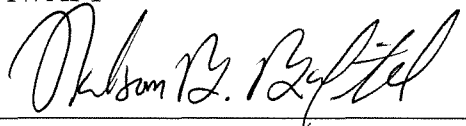
ALOUN FARMS, INC.

By: 
Its: General manager

APPROVED AS TO FORM:


J. GERARD LAM
Deputy Attorney General
Attorney for Director,
Department of Labor and
Industrial Relations, State of Hawai'i

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS, STATE OF
HAWAI'I

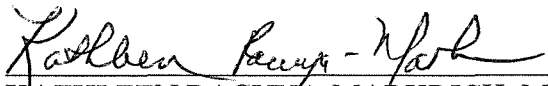

NELSON B. BEFITEL

APPROVED AND SO ORDERED BY
HAWAI'I LABOR RELATIONS BOARD:


BRIAN K. NAKAMURA, Chair

ORDER NO: 145
DATED : JUNE 22, 2005


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

In re: Director, Department of Labor and Industrial Relations vs. Aloun Farms, Inc., OSH 2005-2, Stipulation and Settlement Agreement, Exhibit "A"; Approval and Order

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 425
Honolulu, HI 96813
Phone: (808) 586-9110 FAX: (808) 586-9104



Certified Number: 7003 3110 0003 1480 6889

Citation and Notification of Penalty

To: Aloun Farms and its successors P O Box 700848 Kapolei, HI 96709	Inspection Number: 307261909 Hervie Messier Inspection Date(s): 11/08/2004 - 11/15/2004 Issuance Date: 02/02/2005 OSHC ID: U5995 Optional Report No.: 01705
--	--

Inspection Site:
91-1440 Farrington Hwy
Kapolei, HI 96707

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 describes violations of the Hawaii Occupational Safety and Health Law. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you mail a notice of contest to the State of Hawaii Occupational Safety and Health Division (HIOSH) at the address shown above. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the law has occurred unless there is a failure to contest as provided for in the law or, if contested, unless this Citation is affirmed by the Hawaii Labor Relations Board (HLRB) or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Administrator during the 20 calendar day contest period. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Administrator within 20 calendar days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4, Notice to Employees, next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. 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 informal settlement agreement which amicably resolves this matter without litigation or contest.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Administrator in writing that you intend to contest the citation(s) and/or penalty(ies) within 20 calendar days after receipt, the citation(s) and the penalty(ies) will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency. Once a letter of contest is received, it becomes the jurisdiction of the HLRB.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number on the remittance.

HIOSH does not agree to any restrictions or 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 each violation which you do not contest, you are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the citation. For Willful and Repeat violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as Serious and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by Section 12-55-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 Hawaii Occupational Safety and Health Division at the address shown above and postmarked within 20 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - you should be aware that OSHA publishes information on inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at WWW.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 02/02/2005. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 425, Honolulu, HI 96813 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

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

HAR §12-60-2(b)(1)(A) was violated because:

The company did not have a written safety and health program thus exposing employees to injuries from electrical, and struck-by hazards, and workplace violence.

§12-60-2(b)(1)(A) states "The employer shall institute and maintain an effective safety and health program to identify, evaluate and control workplace hazards. Employers safety and health programs which were developed prior to the promulgation of this standard may be used to satisfy this requirement so long as they meet the criteria for an acceptable program...".

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

03/07/2005
\$1,750.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

The alleged violations below (2a & 2b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

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

29 CFR 1910.142(b)(2) [Refer to chapter 12-68.2, HAR] was violated because:

The company did not provide 50 square feet of space for each occupant in the living trailers (A) and (B). Employees were exposed to possible infectious illnesses.

29 CFR 1910.142(b)(2) states "Each room for sleeping purposes shall contain at least 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided."

Location: (A) Northwest side of farm administration area
(B) West side of maintenance and onion processing area

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909**Inspection Dates:** 11/08/2004 - 11/15/2004

830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005**Citation and Notification of Penalty****Company Name:** Aloun Farms**Inspection Site:** 91-1440 Farrington Hwy, Kapolei, HI 96707

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

29 CFR 1910.142(b)(3) [Refer to chapter 12-68.2, HAR] was violated because:

The company did not provide spacing between bunk beds of at least 48 inches and lockers for clothing and personal articles for each occupant in the living trailers (A) and (B). Employees were exposed to possible infectious illnesses.

29 CFR 1910.142(b)(3) states "Beds, cots, or bunks and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double-deck bunks are used they shall be spaced not less than 48 inches both laterally and end to end. The minimum clearance space between the lower and upper bunk shall not be less than 27 inches. Triple-deck bunks are prohibited."

Location: (A) Northwest side of farm administration area
(B) West side of maintenance and onion processing area

Date By Which Violation Must be Abated: **02/10/2005**

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

29 CFR 1910.24(b) [Refer to chapter 12-718.1, HAR] was violated because:

There were no access steps for the 15 inch change in height at the two access doors into the living trailer at the West side of the maintenance and onion processing area thus exposing employees to injuries from falls.

29 CFR 1910.24(b) states "Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels and for access to operating platforms at any equipment which requires attention routinely during operations."

Location: West side of maintenance and onion processing area

Date By Which Violation Must be Abated: **02/10/2005**

Penalty: **\$1,400.00**

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.22(d)(1) [Refer to chapter 12-72.1, HAR] was violated because:

Parts, boxes, and materials were stored on the roof of the office trailer with no load limit sign in place. This exposed employees to injuries from falling materials.

29 CFR 1910.22(d)(1) states "In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the load approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent."

Location: South side of repair area on the roof of the office

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

Citation 1 Item 5 Type of Violation: Serious

29 CFR 1910.253(a)(3) [Refer to chapter 12-78.2, HAR] was violated because:

The gages on the oxygen and acetylene tanks on the welding/cutting cart were broken with the faces missing. This exposed employees to injuries due to fire and explosions.

29 CFR 1910.253(a)(3) states "Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used."

Location: West side of repair area

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

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

29 CFR 1910.212(a)(1) [Refer to chapter 12-80.1, HAR] was violated because:

There was no guard on the ingoing nip point on the conveyor of the onion sorting machine. Employees were exposed to injuries from having hands caught in the nip point.

29 CFR 1910.212(a)(1) states "One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc."

Location: West side of onion processing area

Date By Which Violation Must be Abated:

02/10/2005

Penalty:

\$1,750.00

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

29 CFR 1910.178(m)(5)(i) [Refer to chapter 12-73.1, HAR] was violated because:

The forks of the Clark forklift were left elevated while the truck was unattended. Employees were exposed to injuries from being struck by the forks.

29 CFR 1910.178(m)(5)(i) states "When a powered industrial trucks is left unattended the load engaging means shall be fully lowered, controls shall be neutralized, the power shut off, and the brake set. Wheels shall be blocked if the truck is parked on an incline."

Location: West side of onion processing area

Date By Which Violation Must be Abated:

Corrected

Penalty:

\$1,400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

Citation 1 Item 8 Type of Violation: Serious

29 CFR 1910.303(b)(2) [Refer to chapter 12-89.1, HAR] was violated because:

(A) An Exide battery labeled for use in a farming tractor was being used to energize a radio/CD player in a bunk area. This exposed employees to injuries due to fire, explosions, or contact with battery acid and (B) Two power strips listed and labeled for indoor use to power computer components were being used to energize four 36 inch heavy duty air circulators.

29 CFR 1910.303(b)(2) states "Listed or labeled equipment shall be used or installed in accordance with any instructions included in the listing or labeling."

Location: (A) Bunk/living trailer located to the west side of repair area and onion processing area
(B) Center of Onion processing shed

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

Citation 1 Item 9 Type of Violation: Serious

29 CFR 1910.304(e)(1)(iv) [Refer to chapter 12-89.1, HAR] was violated because:

The circuit breaker panel was blocked by a metal storage bin leaving a limited access of 12 to 20 inches. This exposed employees to burns or crush injuries.

29 CFR 1910.304(e)(1)(iv) states "Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage nor in the vicinity of easily ignitable material."

Location: East side of the onion processing area

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

Citation 1 Item 10 Type of Violation: Serious

29 CFR 1910.305(a)(2)(iii)(D) [Refer to chapter 12-89.1, HAR] was violated because:

Energized bare conductors were hung from the ceiling as low as 5 feet 6 inches from the floor. These wires were being used as a temporary circuit for a stereo sound system. This exposed employees to injuries due to electric shock.

29 CFR 1910.305(a)(2)(iii)(D) states "No bare conductors nor earth returns may be used for the wiring of any temporary circuit."

Location: Bunk/living trailer located to the west side of repair area and onion processing area

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

Citation 1 Item 11 Type of Violation: Serious

29 CFR 1910.305(a)(2)(iii)(G) [Refer to chapter 12-89.1, HAR] was violated because:

Two energized extension cords, passing out of the structure through a door jamb were not protected against damage. This exposed employees to electric shock.

29 CFR 1910.305(a)(2)(iii)(G) states "Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection against damage."

Location: Bunk/living trailer located to the west side of repair area and onion processing area

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909
Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

The alleged violations below (12a & 12b) have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

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

29 CFR 1910.305(g)(1)(iii)(A) [Refer to chapter 12-89.1, HAR] was violated because:

Two 100 foot, orange, three wire, extension cords were being used in place of structural wiring to energize four 36 inch area drying fans. This exposed employees to injuries due to fire.

29 CFR 1910.305(g)(1)(iii)(A) states "Unless specifically permitted in paragraph (g)(1)(i) of this section flexible cords and cables may not be used: 'As a substitute for the fixed wiring of a structure.'"

Location: Center of the onion processing area

Date By Which Violation Must be Abated: 02/10/2005
Penalty: \$1,400.00

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

29 CFR 1910.305(g)(1)(iii)(D) [Refer to chapter 12-89.1, HAR] was violated because:

A 100 foot, orange, three wire, extension cord was nailed to the wall next to the storage rack before being run to the rafters then on to energize two 36 inch area drying fans. This exposed employees to injuries due to fire.

29 CFR 1910.305(g)(1)(iii)(D) states "Unless specifically permitted in paragraph (g)(1)(i) of this section flexible cords and cables may not be used: 'Where attached to building surfaces...'"

Location: Center of the onion processing area

Date By Which Violation Must be Abated: 02/10/2005

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

STATE OF HAWAII

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 307261909

Inspection Dates: 11/08/2004 - 11/15/2004



830 Punchbowl Street, Room 425
Honolulu, HI 96813

Issuance Date: 02/02/2005

Citation and Notification of Penalty

Company Name: Aloun Farms

Inspection Site: 91-1440 Farrington Hwy, Kapolei, HI 96707

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

29 CFR 1904.33(a) [Refer to chapter 12-52.1, HAR] was violated because:

The company had not been keeping the OSHA 200/300 logs for the past 4 years. This is a regulatory requirement for employers with more than 10 employees.

29 CFR 1904.33(a) states "You must save the OSHA 300 log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these reports cover."

Location: Establishment

Date By Which Violation Must be Abated:

03/07/2005

Penalty:

\$2,800.00

A handwritten signature in black ink, appearing to read "Nelson B. Befitel", written over a horizontal line.

NELSON B. BEFITEL
DIRECTOR

State of Hawaii

Department of Labor and Industrial Relations

HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION

830 PUNCHBOWL STREET, ROOM 425

Honolulu, HI 96813



SUMMARY OF PENALTIES

Company Name: Aloun Farms
Inspection Site: 91-1440 Farrington Hwy
Kapolei, HI 96707
Issuance Date: 02/02/2005

Summary of Penalties for Inspection Number	307261909
Citation 01, Serious	= \$17,500.00
Citation 02, Other	= \$2,800.00
TOTAL PENALTIES	= \$20,300.00

Make check or money order payable to the "Director of Budget and Finance." Please indicate the inspection number and dba, if company name is different, on the remittance. A fee of \$15.00 will be charged for any returned checks.

If receipt is desired, please indicate with payment; otherwise, your cancelled check will be your receipt.

USPS - Track & Confirm

Page 1 of 1



Track & Confirm

Current Status

You entered 7003 3110 0003 1480 6889

Your item was delivered at 10:47 am on February 03, 2005 in KAPOLEI, HI 96709.

Track & Confirm

Enter label number:

[Shipment Details >](#)