

ORIGINAL

DAVID M. LOUIE 2162
Attorney General of Hawaii

HERBERT B.K. LAU 2591
Deputy Attorney General
Department of Attorney
General, State of Hawaii
Labor Division
425 Queen Street
Honolulu, Hawaii 96813
Telephone: 586-1450

Attorneys for Director of Labor
and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of DIRECTOR,
DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS,

Complainant,

vs.

ALOUN FARM, INC.

Respondent.

) CASE NO. OSH 2012-16
) (Inspection No. 316265255)
)
) STIPULATION AND SETTLEMENT
) AGREEMENT; EXHIBIT A; APPROVAL
) AND ORDER
)
)
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STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director of Labor and Industrial Relations ("Director") and Respondent ALOUN FARM ("Respondent") having reached a full and complete settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about April 30, 2012, the Director, by and through the State of Hawaii'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 July 20, 2012 ("Citation") to Respondent alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$25,080.00. *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, Hawaii 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 requirements of HRS chapter 396, the Hawaii 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 Hawaii Administrative Rule § 12-51-22. Respondent shall submit the completed abatement certification to HIOSH no later than thirty (30) days after the filing of the instant Agreement; 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 \$25,080.00 to \$18,000.00, which shall be paid to the Director of Budget and Finance in three (3) installments, the first \$6,000.00 installment due upon the execution of this Agreement, the second \$6,000.00

installment due on July 1, 2013, and the third \$6,000.00 installment due on November 1, 2013.

7. If Respondent fails to fulfill any condition of this Agreement within the time stated, then, Respondent shall automatically and without further notice be liable for the entire original penalty in the amount of \$25,080.00. All amounts shall be immediately due and owing. 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 Hawaii 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 Hawaii Occupational Safety and Health Law, or the related rules.

12. Upon approval of this Agreement, all proceedings before the Board shall be dismissed.


DATED: Honolulu, Hawaii, 3/11/13.

ALOUN FARMS, INC.

By: 
Its SAFETY DIRECTOR

APPROVED AS TO FORM:

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS


HERBERT B.K. LAU
Deputy Attorney General
Attorney for Director of Labor and
Industrial Relations, State of Hawaii


DWIGHT TAKAMINE

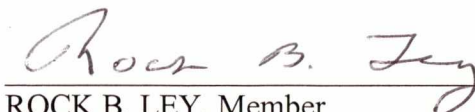
APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 501

DATED: March 18, 2013

excused
JAMES B. NICHOLSON, Chair


SESNITA A.D. MOEPONO, Member


ROCK B. LEY, Member

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9110 FAX: (808) 586-9104



Certified Number: 7006 2760 0000 7214 7780

Citation and Notification of Penalty

To:
Aloun Farm Inc
and its successors
91-1440 Farrington Hwy
Kapolei, HI 96707

Inspection Number: 316265255
Inspection Date(s): 04/30/2012- 05/01/2012
Issuance Date: 07/20/2012

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 5, 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 violations 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 (examples: 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 12-51-22 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.

ABATEMENT CERTIFICATION

DIANTHA M. GOO, ADMINISTRATOR
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813

Aloun Farm Inc
91-1440 Farrington Hwy
Kapolei, HI 96707

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____.
How corrected: _____.

I attest that the information contained in this document is accurate and that the affected employees and their
representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name

State of Hawaii

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with HIOSH to discuss the citation(s) issued on 07/20/2012. The conference will be held at the HIOSH office located at 830 PUNCHBOWL STREET, ROOM 423, 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: 316265255

Inspection Dates: 04/30/2012 - 05/01/2012

Issuance Date: 07/20/2012



Citation and Notification of Penalty

Company Name: Aloun Farm Inc

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

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

HAR 12-60-2(a)(3) was violated because:

- (a) A Delta Rockwell floor mounted drill press, serial number 1416605, was not secured to the floor to prevent walking, moving, and/or tip over.
- (b) The upper blade guard for a Ryobi 10 inch table saw, model RTS10, serial number XX114322187, was missing thus exposing employees to potential serious bodily injuries.
- (c) A Delta 6 inch bench grinder, model DW756, serial number 0044-YL1220, was missing its side spindle guard on the grind wheel side of the machine. The bench grinder was also missing its adjustable work rest and adjustable tongue. The missing spindle guard, adjustable work rest, and adjustable tongue exposed employees to potential serious bodily injuries.

12-60-2(a)(3) states "Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used."

Locations: (a), (b), and (c) Mechanic shop

Abatement Note:

- (a) One feasible means of abatement is to bolt the drill press to the floor to prevent walking, moving, and/or tip over.
- (b) One feasible means of abatement is to install an upper blade guard to the table saw to prevent employees from accidentally making contact with the saw blade.

See pages 1 through 5 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: 316265255
Inspection Dates: 04/30/2012 - 05/01/2012
Issuance Date: 07/20/2012



Citation and Notification of Penalty

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

(c) One feasible means of abatement is to install a side spindle guard, an adjustable work rest, and an adjustable tongue to the bench binder.

Date By Which Violation Must be Abated:	07/26/2012
Penalty:	\$ 4,400.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

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

Citation 1 Item 2 Type of Violation: Serious

HAR 12-60-2(a)(3) was violated because:

(a) A waste container with oily rags and paper material did not have a lid cover. Welding activity was being conducted 5.5 feet away from the waste container thus exposing employees to a fire hazard with the potential for serious bodily injuries.

(b) One carbon dioxide, one oxygen, and two acetylene gas cylinders in storage were not secured from knock over. Unsecured gas cylinders exposed employees to potential serious bodily injuries.

(c) Two acetylene gas cylinders that were not in use were missing their valve protection caps. Gas cylinders not in use with missing valve protection caps exposed employees to potential serious bodily injuries.

(d) A Lincoln electric ranger welder had an area of damage to the insulation of the electrode lead cable that allowed the bare copper conductors to be exposed. The damaged cable exposed the employees to electrical hazards with the potential for serious bodily injuries.

12-60-2(a)(3) states "Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used."

Locations: (a), (b), (c), and (d) Mechanic Shop

Abatement Note:

(a) Two feasible means of abatement are to place a fireproof lid/cover over the opening of the waste container or to move the waste container 35 feet away from the welding activity area.

(b) One feasible means of abatement is to secure the gas cylinders to a wall with a chain to prevent them from being knocked over.

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

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

- (c) One feasible means of abatement is to install valve protection caps to the gas cylinders.
- (d) One feasible means of abatement is to replace the electrode lead cable to the electric welder.

Date By Which Violation Must be Abated: 07/26/2012
Penalty: \$ 4,400.00

See pages 1 through 5 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: 316265255
Inspection Dates: 04/30/2012-05/01/2012
Issuance Date: 07/20/2012



Citation and Notification of Penalty

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

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

HAR 12-60-2(a)(3) was violated because:

- (a) Three conductors of the power cord for the Skilsaw circular saw, serial number 58124, were spliced. The spliced power cord exposes the employees to potential serious bodily injuries from an electrical hazard.
- (b) The outer protective jackets of one orange extension cord and one black extension cord were pulled back one-fourth inch to one-half inch from the attachment plugs and receptacle heads thus allowing the inner insulated conductors to be exposed. The lack of flexible cord strain relief exposes the employees to an electrical hazard with the potential for serious bodily injuries.
- (c) The outer protective jacket of a power cord for Delta Rockwell floor mounted drill press, serial number 1416605, was pulled back three-fourth inch from the attachment plug thus allowing the inner insulated conductors to be exposed. The lack of flexible cord strain relief exposes the employees to an electrical hazard with the potential for serious bodily injuries.
- (d) A Skilsaw circular saw had a flexible power cord with damage to its outer jacket. The damaged power cord allowed conductors and bare copper wires to be exposed. Damaged power cord exposed the employees to an electrical hazard with the potential for serious bodily injuries.
- (e) A Delta Rockwell floor mounted drill press, serial number 1416605, had a flexible power cord with damage to its outer jacket near the tool's electrical junction box. The damaged power cord allowed conductors to be exposed. Damaged power cord exposed the employees to an electrical hazard with the potential for serious injuries.
- (f) A continuity tester showed a flexible, 3-wire, black extension cord to have an open ground. The extension cord with open ground exposed the employees to an electrical hazard with the potential for serious bodily injuries.
- (g) A flexible, 3-wire, power cord of a Diehard engine starter/battery charger was missing its ground pin. The power cord with open grounds exposed the employees to an electrical hazard with the potential for serious bodily injuries.

See pages 1 through 5 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: 316265255

Inspection Dates: 04/30/2012-05/01/2012

Issuance Date: 07/20/2012



Citation and Notification of Penalty

Company Name: Aloun Farm Inc

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

(h) An electrical light switch box was missing its faceplate thus exposing conductors and energized parts. Uncovered conductors and energized parts exposed the employees to an electrical hazard with the potential for serious bodily injuries.

12-60-2(a)(3) states "Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used."

Locations: (a), (c), (d), (e), (g), and (h) Mechanic Shop; (b) and (f) Nursery Seed Shed

Abatement Note:

(a) and (d) One feasible means of abatement is to replace the damaged power cord to the circular saw.

(b) and (f) One feasible means of abatement is to replace the damaged extension cords.

(c) and (e) One feasible means of abatement is to replace the damaged power cord to the drill press.

(g) One feasible means of abatement is to replace the damaged power cord to the engine starter/battery charger.

(h) One feasible means of abatement is to install a faceplate onto the electrical light switch box.

Date By Which Violation Must be Abated:

07/26/2012

Penalty:

\$ 3,080.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

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

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

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

At the time of inspection, the employer did not have an effective written safety and health program as its policies, procedures, and rules did not address the control of energy sources, safe operation, cleaning, unjamming, servicing, maintenance, and working around their onion machine, ice making machine, corn machine, conveyor systems, and other machinery at their establishment. Lack of guidance from a written safety and health program that does not include sections that address machinery safety and control of energy sources can result in employees being exposed to various machinery and energy safety hazards. One employee sustained serious bodily injuries when he was pulled into a conveyor system.

12-60-2(b)(1)(A) states "Written safety and health program. (A) The employer shall institute and maintain an effective safety and health program to identify, evaluate and control workplace hazards. Employer 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 set forth in (B) below."

Abatement Note: Abatement documentation, such as written, videographic or photographic evidence of abatement is required.

Location: Establishment

Date By Which Violation Must be Abated:	08/22/2012
Penalty:	\$ 4,400.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

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

Citation 1 Item 5 Type of Violation: **Serious**

29 CFR 1928.57(a)(6) [Refer to chapter 12-208-1, HAR] was violated because:

An employee, who was working near and/or at an onion machine and its conveyor systems, did not receive training in machine guarding, machinery safety, conveyor safety, and the control of energy sources. This employee sustained serious bodily injuries when he was pulled into a conveyor system.

29 CFR 1928.57(a)(6) states "Operating instructions. At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including at least the following safe operating practices: (i) Keep all guards in place when the machine is in operation; (ii) Permit no riders on farm field equipment other than persons required for instruction or assistance in machine operation; (iii) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment; (iv) make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine; (v) Lock out electrical power before performing maintenance or service on farmstead equipment."

Abatement Note: Abatement documentation, such as written, videographic or photographic evidence of abatement is required.

Location: Establishment

Date By Which Violation Must be Abated:
Penalty:

08/22/2012
\$ 4,400.00

See pages 1 through 5 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: 316265255

Inspection Dates: 04/30/2012 - 05/01/2012

Issuance Date: 07/20/2012



Citation and Notification of Penalty

Company Name: Aloun Farm Inc

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

Citation 1 Item 6 Type of Violation: Serious

29 CFR 1928.57(a)(7) [Refer to chapter 12-208-1, HAR] was violated because:

A Flodin Inc onion machine had no machine guarding and/or inadequate machine guarding in four different areas of the machine's conveyor systems between the in-take hopper section and the onion skinning section. (a) The right and left sides of the conveyor belt and roller assembly under the front side of the in-take hopper did not have any machine guarding. (b) The right and left sides of the conveyor belt and roller assembly under the back side of the in-take hopper did not have any and/or had inadequate machine guarding. (c) The right, left, and front sides of the conveyor belt and roller assembly at the junction area of two separate conveyors under the back side of the in-take hopper did not have any and/or had inadequate machine guarding. (d) The right and left sides of the conveyor belt and sprockets assembly under the front side of the onion skinning section did not have any machine guarding. One employee sustained serious bodily injuries when he was pulled into the conveyor system at its unguarded belt and roller assembly.

29 CFR 1928.57(a)(7) states "Methods of guarding. Except as otherwise provided in this subpart, each employer shall protect employees from coming into contact with hazards created by moving machinery parts as follows: (i) Through the installation and use of a guard or shield or guarding by location; (ii) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence."

Abatement Note: Abatement documentation, such as written, videographic or photographic evidence of abatement is required.


Location: Onion Warehouse

Date By Which Violation Must be Abated:

07/26/2012

Penalty:

\$ 4,400.00


DIANTHA M. GOO
Administrator

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.