

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA High Hazard Unit (0950662;4502)  
2000 East McFadden Street, Suite 111  
Santa Ana, CA 92705

**Inspection Number:** 312313737  
**Inspection Dates:** 07/14/2009 -  
**Issuance Date:** 01/11/2010  
**CSHO ID:** X9249  
**Optional Inspection Nbr:** 001-10



**Citation and Notification of Penalty**

**Company Name:** CARMi FLAVOR & FRAGRANCE COMPANY, INC  
**Inspection Site:** 6030 SCOTT WAY, CITY OF COMMERCE, CA 90040

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

T8 CCR §14300.7(b)(3). General Recording Criteria.  
Implementation.

How do I record a work-related injury or illness that results in days away from work?

When an injury or illness involves one or more days away from work, you must record the injury or illness on the Cal/OSHA Form 300 with a mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

**The employer did not record the days away from work or restricted days on the log for 2005 or 2006 for three employees.**

Date By Which Violation Must be Abated: 02/10/2010  
Proposed Penalty: \$ 350.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

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

T8 CCR §2340.16(a). Work Space About Electric Equipment.

Suitable access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

**Suitable access and working space was not provided and maintained about electrical panel A (120/240V) in the production room.**

Date By Which Violation Must be Abated: 02/10/2010  
Proposed Penalty: \$ 175.00

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### Citation and Notification of Penalty

**Company Name:** CARMi FLAVOR & FRAGRANCE COMPANY, INC  
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#### Citation 1 Item 3 Type of Violation: **General**

T8 CCR §3203(a)(7). Injury and Illness Prevention Program.

Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
- (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.
- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.
- (5) Include a procedure to investigate occupational injury or occupational illness.
- (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard.
- (7) Provide training and instruction.

**The employer had an Injury and Illness Prevention Program in writing but did not train employees in this program as required in subsection (7).**

Date By Which Violation Must be Abated: 02/10/2010  
Proposed Penalty: \$ 390.00

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

T8 CCR §3241(a). Live Loads.

The live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed shall have such design live loads conspicuously posted by the owner in that part of each story in which they apply, using durable metal signs, and it shall be unlawful to remove or deface such notices. The occupant of the building shall be responsible for keeping the actual load below the allowable limits.

**Employees accessed areas under the following that did not have the live load posted:**

- 1. the new floor over cold storage in the warehouse.**

Date By Which Violation Must be Abated: 02/10/2010  
Proposed Penalty: \$ 350.00

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**Citation and Notification of Penalty**

**Company Name:** CARMi FLAVOR & FRAGRANCE COMPANY, INC  
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**Citation 1 Item 5 Type of Violation: General**

T8 CCR §3314(g)(1). The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

Hazardous Energy Control Procedures. A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment.

The procedure shall clearly and specifically outline 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, the following:

- (A) A statement of the intended use of the procedure;
- (B) The procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
- (C) The procedural steps for the placement, removal and transfer of lockout devices and tagout devices and responsibilities; and,
- (D) The requirements for testing a machine or equipment, to determine and verify the effectiveness of lockout devices, tagout devices and other hazardous energy control devices.

**The employer did not have a hazardous energy control procedure.**

Date By Which Violation Must be Abated:	02/10/2010
Proposed Penalty:	\$ 390.00

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

T8 CCR §3650(d). Industrial Trucks. General.

Major modifications and structural changes to high lift trucks, industrial trucks and rider trucks that affect the capacity and safe handling of the vehicles shall not be performed by the employer or user without prior written approval from the manufacturer unless the modification is designed, manufactured, and installed in accordance with recognized good engineering and manufacturing principles. The capacity, operation and maintenance instruction plates shall be changed accordingly.

Employees operated an orange Nissan industrial truck (Model number: APJ02A25PV, Type LP, Chassis Number: APJ02-9U0424, No serial number) that had a structural change consisting of a hole cut through each fork. The employer filled the holes in. The capacity, operation and maintenance instruction plates were not changed accordingly.

Date By Which Violation Must be Abated: 02/10/2010  
Proposed Penalty: \$ 390.00

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

T8 CCR §4650(e). Storage, Handling, and Use of Cylinders.

Compressed gas cylinders shall be stored or transported in a manner to prevent them from creating a hazard by tipping, falling or rolling. Liquified fuel-gas cylinders shall be stored or transported in a position so that the safety relief device is in direct contact with the vapor space in the cylinder at all times.

**The following was not stored in a manner to prevent it from creating a hazard by tipping, falling or rolling:**

- 1. One propane cylinder next to the shipping dock near the shipping office.**

**Date By Which Violation Must be Abated:** 02/10/2010  
**Proposed Penalty:** \$ 390.00

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#### Citation 1 Item 8 Type of Violation: **General**

T8 CCR §6151(c)(1). Portable Fire Extinguishers.

General Requirements.

The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

**The employer provided portable fire extinguishers for employee use, but the following fire extinguishers were not readily accessible to employees without subjecting the employees to possible injury:**

- 1. a fire extinguisher blocked by the forklift charging station**
- 2. a fire extinguisher in production blocked with a trash can**
- 3. a fire extinguisher in maintenance blocked with a table and tools.**

Date By Which Violation Must be Abated: 02/10/2010  
Proposed Penalty: \$ 260.00

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**Company Name:** CARMi FLAVOR & FRAGRANCE COMPANY, INC  
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**Citation 2 Item 1 Type of Violation: **Serious****

T8 CCR §5162(c). Emergency Eyewash and Shower Equipment.

Location. Emergency eyewash facilities and deluge showers shall be in accessible locations that require no more than 10 seconds for the injured person to reach. If both an eyewash and shower are needed, they shall be located so that both can be used at the same time by one person. The area of the eyewash and shower equipment shall be maintained free of items which obstruct their use.

**Employees worked in the production area which had an eyewash facility and deluge shower that were not located so that both could be used at the same time by one person. Also, the shower was obstructed with boxes.**

**The hazardous substances used in this area included but were not limited to Acetic Acid and Acetaldehyde.**

Date By Which Violation Must be Abated: 01/18/2010  
Proposed Penalty: \$ 4725.00

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

T8 CCR §2340.22(a). Identification of Equipment.

Each disconnecting means for motors and utilization equipment and for each service, feeder, or branch circuit at the point where it originates shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident. The marking shall be of sufficient durability to withstand the environment involved.

Employees accessed the following which were not legibly marked to indicate their purpose:

1. all five circuit breakers on the shipping and receiving electrical panel (110V)
2. two circuit breakers on the equipment electrical panel in production (220V)
3. eleven circuit breakers on electrical panel A in production (120V/240V).

Date By Which Violation Must be Abated:	01/18/2010
Proposed Penalty:	\$ 3150.00

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

T8 CCR §3382(a). Eye and Face Protection.

Employees working in locations where there is a risk of receiving eye injuries such as punctures, abrasions, contusions, or burns as a result of contact with flying particles, hazardous substances, projections or injurious light rays which are inherent in the work or environment, shall be safeguarded by means of face or eye protection. Suitable screens or shields isolating the hazardous exposure may be considered adequate safeguarding for nearby employees.

The employer shall provide and ensure that employees use protection suitable for the exposure.

**Employees worked in the production area where there was a risk of receiving eye injuries from several hazardous substances without suitable eye protection (chemical splash goggles). The hazardous substances included but were not limited to Acetic Acid and Acetaldehyde.**

Date By Which Violation Must be Abated: 01/18/2010  
Proposed Penalty: \$ 3150.00

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

Labor Code §6317. Citation of Employer for Violation

If, upon inspection or investigation, the division believes that an employer has violated Section 25910 of the Health and Safety Code or any standard, rule, order, or regulation established pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code, or any standard, rule, order, or regulation established pursuant to this part, it shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the code, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the alleged violation. The period specified for abatement shall not commence running until the date the citation or notice is received by certified mail and the certified mail receipt is signed, or if not signed, the date the return is made to the post office. If the division officially and directly delivers the citation or notice to the employer, the period specified for abatement shall commence running on the date of the delivery.

A "notice" in lieu of citation may be issued with respect to violations found in an inspection or investigation which meet either of the following requirements:

(1) The violations do not have a direct relationship upon the health or safety of an employee.

(2) The violations do not have an immediate relationship to the health or safety of an employee, and are of a general or regulatory nature. A notice in lieu of a citation may be issued only if the employer agrees to correct the violations within a reasonable time, as specified by the division, and agrees not to appeal the finding of the division that the violations exist. A notice issued pursuant to this paragraph shall have the same effect as a citation for purposes of establishing repeat violations or a failure to abate. Every notice shall clearly state the abatement period specified by the division, that the notice may not be appealed, and that the notice has the same effect as a citation for purposes of establishing a repeated violation or a failure to abate. The employer shall indicate agreement to the provisions and conditions of the notice by his or her signature on the notice.

Under no circumstances shall a notice be issued in lieu of a citation if the violations are serious, repeated, willful, or arise from a failure to abate.

The director shall prescribe guidelines for the issuance of these notices.

The division may impose a civil penalty against an employer as specified in Chapter 4 (commencing with Section 6423) of this part. A notice in lieu of a citation may not be issued if the number of first instance violations found in the inspection (other than serious, willful, or repeated violations) is 10 or more violations.

No citation or notice shall be issued by the division for a given violation or violations after six months have elapsed since occurrence of the violation.

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The director shall prescribe procedures for the issuance of a citation or notice.

The division shall prepare and maintain records capable of supplying an inspector with previous citations and notices issued to an employer.

REF: LC §6305. (a) "Occupational safety and health standards and orders" means standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1 and general orders heretofore adopted by the Industrial Safety Board or the Industrial Accident Commission.

(b) "Special order" means any order written by the chief or the chief's authorized representative to correct an unsafe condition, device, or place of employment which poses a threat to the health or safety of an employee and which cannot be made safe under existing standards or orders of the standards board. These orders shall have the same effect as any other standard or order of the standards board, but shall apply only to the employment or place of employment described in the written order of the chief's authorized representative.

REF: LC §6308. The division, in enforcing occupational safety and health standards and orders and special orders may do any of the following:

(a) Declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(b) Enforce Section 25910 of the Health and Safety Code and standards and orders adopted by the standards board pursuant to Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code, for the installation, use, maintenance, and operation of reasonable uniform safety devices, safeguards, and other means or methods of protection, which are necessary to carry out all laws and lawful standards or special orders relative to the protection of the life and safety of employees in employments and places of employment.

(c) Require the performance of any other act which the protection of the life and safety of the employees in employments and places of employment reasonably demands.

An employer may request a hearing on a special order or action ordered pursuant to this section, at which the employer, owner, or any other person may appear. The appeals board shall conduct the hearing at the earliest possible time.

All orders, rules, regulations, findings, and decisions of the division made or entered under this part, except special orders and action orders, may be reviewed by the Supreme Court and the courts of appeal as may be provided by law.

**On October 16, 2006, the Division issued Special Order #109 to Carmi Flavors and Fragrances Co., Inc. at 6030 Scott Way, City of Commerce, CA 90040. Special Order #109 became a final Order of the**

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**Board on July 2, 2008 and remains in effect. On July 14, 2009, at 6030 Scott Way, City of Commerce, CA 90040, the following violations of Special Order #109 were observed:**

(1) Special Order #109, Item 1A. Respiratory Protection: Until the production process is reengineered to control exposures to flavoring chemicals, a program shall be implemented and maintained to ensure the use of respirators by mixers and any other workers who enter the production area. If not already in place, this program shall be implemented immediately. A NIOSH- certified full-facepiece negative-pressure respirator with organic vapor and acid gas cartridges and particulate filters is the minimum level of respiratory protection required. A loose-fitting powered air-purifying respirator (PAPR) is an option to consider for increased worker comfort and, unlike tight-fitting respirators, does not require fit testing. Follow the manufacturer's recommendation for cartridge change out schedules. The program administrator that you select for the program must have adequate training and experience to run it and regularly evaluate its effectiveness. All written instructions for mixing flavorings (i.e., recipes, protocols, or flavor mixing cards) shall clearly indicate the specific respiratory protection requirements for production.

**The employer did have a written respiratory protection program but did not implement the following elements of the program:**

- 1. Procedures for selecting respirator for use (Ref § 5144(g)).** The employer permitted employees with facial hair to use a respirator with a tight-fitting facepiece. The facial hair came became the sealing surface of the facepiece and their face.
- 2. Fit testing procedures for tight-fitting respirators (REF § 5144(f)).** The employer did not ensure that all required employees were fit tested.

**Employees were exposed to hazardous substances including but not limited to Acetic Acid and Acetaldehyde.**

**The employer did not ensure the use of respirators by mixers and any other workers who entered the production area.**

(2) Special Order #109, Item 1B. Production Engineering Controls: Engineering controls shall be installed to control exposure in connection with production room processes involving any of the priority chemicals noted in Respiratory Health and Safety in the Flavor Manufacturing Workplace, a publication produced by the Flavoring and Extract Manufacturers Association of the United States (FEMA), August 2004. A copy of this publication

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is attached to the Special Order. These priority chemicals include diacetyl, acetoin, acetaldehyde, benzaldehyde, acetic acid and others. Both enclosures and local exhaust ventilation shall be considered as engineering control options. Engineering controls shall be implemented for all ribbon blenders in the blending area, at one or more weighing/mixing stations, at one or more mixing tanks in the liquid area, and at one or more cleaning stations. A certified industrial hygienist or a professional engineer (PE) with industrial ventilation experience shall be consulted to ensure that the design and operation of engineering controls will be effective. (See Item 2 below.) All written instructions for mixing flavorings (i.e., recipes, protocols, or flavor mixing cards) shall indicate the specific engineering requirements for production. (See Item 3 below)

**All written instructions for mixing flavorings (ie. Recipes, protocols, or flavor mixing cards) did not indicate the specific engineering control requirements for production.**

The production area shall be isolated to the extent feasible from the warehouse and adjacent areas to prevent flavoring chemical releases into these plant areas. This will require that the existing doors between the production area and connecting plant areas be kept closed at all times. The plastic curtains currently used for the two large doorways into production shall be replaced with alternate types of doors or air curtains that can better enclose production operations. The production room shall be maintained under negative air pressure relative to other plant areas.

**The employer failed to implement feasible engineering controls to prevent harmful exposures to hazardous substances including but not limited to Acetic Acid and Acetaldehyde in the production room.**

**The employer failed to ensure the production room was maintained under negative air pressure relative to the other plant areas.**

**The plastic curtains for the two large doorways into the production room were not replaced with alternate types of doors or air curtains.**

(3) Special Order #109, Item 1D. Quality Assurance/Research Laboratory: A laboratory exhaust hood in the quality assurance/research laboratory shall be used for handling priority chemicals. The door between the office and laboratory area shall be kept closed to the extent feasible to prevent entrainment of laboratory chemical emissions into office areas. The laboratory shall be maintained under negative pressure relative to the office. It is not necessary to seal off the door completely, as consideration must be given to the fire exit strategy for persons working in the lab. The door shall be equipped with an audible alarm and marked "emergency exit only."

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The pressure differential can be set by adjusting the air supply to the office or lab areas. A higher air supply flow to the office area will help maintain a positive pressure with respect to adjacent areas. The proper flow differential between the lab and the office will depend on the physical conditions at the building. A simple test using smoke tracer tubes will indicate whether the airflow is either going into the office or into the lab. When making these adjustments, it is important to make sure that the pressure differential does not negatively affect the operation of the lab. A pressure differential of greater than approximately 0.05 inches of water from the office to adjacent areas will make the opening of the doors difficult due to the air pressure exerted on the surface of the door. Additional guidance will be provided following analysis of all sampling data.

**The employer failed to implement feasible engineering controls to prevent harmful exposures to hazardous substances including but not limited to Acetic Acid and Acetaldehyde in the laboratory.**

**The employer failed to ensure the laboratory was under negative pressure relative to the office.**

(4) Special Order # 109, Item 3. Retain the services of a Certified Industrial Hygienist (CIH) with experience in ventilation system design and testing. The CIH will provide input to the design of engineering controls and evaluate efficacy of installed systems.

**The employer did not have a CIH evaluate the efficacy of installed systems in the production area and laboratory.**

(5) Special Order #109, Item 4B. Implement a medical surveillance program that includes spirometry as described below for production workers and all other workers who enter the production area. A spirometry provider shall be selected who will follow the American Thoracic Society (ATS) guidelines for the standardization of spirometry. All tests shall have at least three acceptable maneuvers. The spirometry technicians must have attended a NIOSH certified spirometry course and demonstrate knowledge of proper techniques for coaching test subjects.

All workers at the facility shall receive a baseline spirometry test meeting the requirements of this section of the special order. New workers assigned to enter the production area must have a baseline spirometry test before starting work. All workers who enter the production area shall be given a spirometry test every three months.

**The employer did not ensure that employees who enter the production area were given a spirometry test every three months.**

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA High Hazard Unit (0950662;4502)  
2000 East McFadden Street, Suite 111  
Santa Ana, CA 92705

**Inspection Number:** 312313737  
**Inspection Dates:** 07/14/2009 -  
**Issuance Date:** 01/11/2010  
**CSHO ID:** X9249  
**Optional Inspection Nbr:** 001-10



**Citation and Notification of Penalty**

**Company Name:** CARMI FLAVOR & FRAGRANCE COMPANY, INC  
**Inspection Site:** 6030 SCOTT WAY, CITY OF COMMERCE, CA 90040

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(6) Special Order #109, Item 7. Direct the Board-Certified Occupational Medicine Specialist to provide a quarterly report that includes the aggregate results of spirometry testing to the Chief of Cal/OSHA. the first report will be due on January 15, 2007.

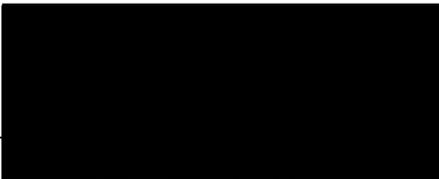
**The employer did not direct a Board-Certified Occupational Specialist to provide quarterly reports to the Chief of Cal/OSHA.**

**The employer did not provide quarterly reports that included aggregate results of spirometry testing to the Chief of Cal/OSHA as required.**

(7) Special Order #109, Item 9. Develop and implement a program to notify past workers of symptoms of bronchiolitis obliterans and their potential risk of acquiring lung disease after working in a food flavorings plant. Submit a written plan for the program, including the last known addresses of all past workers, to the Chief of Cal/OSHA for approval.

**The employer did not implement a program to notify past workers of symptoms of bronchiolitis obliterans and their potential risk of acquiring lung disease after working in a food flavorings plant. A written plan for the program, including the last known addresses of all past workers was not submitted to the Chief of Cal/OSHA for approval.**

Date By Which Violation Must be Abated: 01/18/2010  
Proposed Penalty: \$ 70000.00

\_\_\_\_\_  
  
Compliance Officer/District Manager

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See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA High Hazard Compliance Unit  
2000 East McFadden Avenue, Suite 111  
Santa Ana, CA 92705  
Tel (714) 567-7100 Fax (714) 567-6074

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** CARMi FLAVOR & FRAGRANCE COMPANY, INC

**Inspection Site:** 6030 SCOTT WAY, CITY OF COMMERCE, CA 90040  
**Mailing Address:** 6030 SCOTT WAY, CITY OF COMMERCE, CA 90040-3516

**Issuance Date:** 01/11/2010

**Reporting ID:** 0950662

**Index Code:** 4502

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### Summary of Penalties for Inspection Number 312313737

Citation 1, General	= \$	2695.00
Citation 2, Serious	= \$	4725.00
Citation 3, Serious	= \$	3150.00
Citation 4, Serious	= \$	3150.00
Citation 5, Willful	= \$	70000.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>83720.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603**

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