



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
PO Box 44600 • Olympia, Washington 98504-4600

July 22, 2014

GILBERT ORCHARDS INC
Po Box 9066
Yakima, WA 98909

Inspection: 316966936
UBI: 397009818
Region: 5-Health
Inspector: MICHAEL GLAZIER (P6399)
Reference: 203257225

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$18,800.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Employer Certification of Abatement instruction and form** - Correct all violations and return written verification or additional penalties may result.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for three working days, whichever is longer. "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays.

The Occupational Safety and Health Administration (OSHA) publishes Division of Occupational Safety and Health (DOSH) inspection results on the Internet at www.osha.gov, since this information is available under provisions of the Federal Freedom of Information Act. It is posted 30 days after the date the results are issued.

If you have questions, call the compliance supervisor, Mark Wilson, at (509) 886-6560.

Respectfully,

Anne F. Soiza

Anne F. Soiza
Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

Citation Invoice

Inspection: 316966936

UBI: 397009818	Issued: July 22, 2014
Legal Name: GILBERT ORCHARDS INC	Opening Conference: February 25, 2014
DBA Name: GILBERT ORCHARDS INC	Closing Conference: June 24, 2014
Inspection: 10804 Gilbert Rd,	Inspector: MICHAEL GLAZIER
Site: Yakima, WA, 98903	P6399

Summary of Assessed Penalties

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Serious	296-67-009(2)	9/23/2014	\$700.00
1-2	Serious	296-67-013(3)(a)(ii)	Corrected	\$700.00
1-3a	Serious	296-67-017(3)(e)	9/23/2014	\$700.00
1-3b	Serious	296-67-017(3)(f)	9/23/2014	\$0.00
1-4	Serious	296-67-017(4)	Not Applicable	\$700.00
1-5	Serious	296-67-017(5)	9/23/2014	\$2,100.00
1-6a	Serious	296-67-025(1)	9/23/2014	\$700.00
1-6b	Serious	296-67-025(3)	9/23/2014	\$0.00
1-7	Serious	296-67-029(2)(c)	9/23/2014	\$700.00
1-8	Serious	296-67-029(2)(e)	Not Applicable	\$700.00
1-9a	Serious	296-800-11040	Corrected	\$4,500.00
1-9b	Serious	296-841-20005(1)	Not Applicable	\$0.00
1-9c	Serious	296-863-30020	Corrected	\$0.00
1-10	Serious	296-800-15030	8/9/2014	\$2,100.00
1-11	Serious	296-800-17030	8/9/2014	\$4,500.00
1-12	Serious	296-824-30005	8/9/2014	\$700.00
2-1	General	296-67-029(2)(f)	Corrected	\$0.00
2-2	General	296-307-09515(2)	8/24/2014	\$0.00
2-3	General	296-800-16010	8/24/2014	\$0.00
2-4	General	296-800-17010	8/24/2014	\$0.00
2-5	General	296-800-17020	Not Applicable	\$0.00
2-6	General	296-809-40002	8/24/2014	\$0.00
2-7	General	296-809-40004	8/24/2014	\$0.00
2-8	General	296-809-50004	Not Applicable	\$0.00
2-9	General	296-809-50006	8/24/2014	\$0.00
2-10	General	296-842-12005(2)(e)	8/24/2014	\$0.00
2-11	General	296-842-15005(1)(a)	8/24/2014	\$0.00
2-12	General	296-842-20005(4)	Not Applicable	\$0.00
Total assessed penalties				\$18,800.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write Inspection number 316966936 on the check and mail to:

Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: **Any L&I office**

POST THIS DOCUMENT



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Legal Name: GILBERT ORCHARDS INC

Opening Conference: February 25, 2014

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Inspector: MICHAEL GLAZIER

Site:

P6399

Message

Based on a review of your current PMS Program's Mechanical Integrity (MI) inspection and testing per WAC 296-67-037 requirements for documentation it was found that documentation being kept by Gilbert Orchards Inc was lacking necessary data or not being kept at all. It is suggested that you follow IIAR Bulletin 110 as a reference regarding inspection scheduling and for sample mechanical checklist made available for refrigeration operators. If the system had been upgraded to hold greater than 10,000lbs anhydrous NH₃ prior to October 2013 MI inspection and testing documentation would be considered insufficient resulting in violations of the MI part of the PMS standard. Below are MI code requirements per Washington Administrative Code (WAC) addressing written MI procedures, training on maintenance, and inspection and testing procedures:

WAC 296-67-037(2) Written procedures. The employer shall establish and implement written procedures to maintain the ongoing integrity of process equipment.

WAC 296-67-037(3) Training for process maintenance activities. The employer shall train each employee involved in maintaining the ongoing integrity of process equipment in an overview of that process and its hazards and in the procedures applicable to the employee's job tasks to assure that the employee can perform the job tasks in a safe manner.

WAC 296-67-037(4) Inspection and testing.

(a) Inspections and tests shall be performed on process equipment.

(b) Inspection and testing procedures shall follow recognized and generally accepted good engineering practices.

(c) The frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.

(d) The employer shall document each inspection and test that has been performed on process equipment. The documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

Also, remember that employers are required to certify that they have evaluated compliance with the provisions of WAC 296-67-057, Audit Compliance, at least every three years to verify that the procedures and practices developed under the standard are adequate and are being followed. The compliance audit shall be conducted by at least one person knowledgeable in the process, a report of the audit must be developed, and the employer shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected. As of now it does not appear that Gilbert Orchards refrigeration operators do not have adequate knowledge on how to perform a compliance audit based on a review of the overall PSM program, and the deficiencies noted in documentation and lack of training qualifications.



Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

Citation and Notice of Assessment
Inspection: 316966936

POST THIS DOCUMENT

Violation 1 Item 1

Violation Type: Serious

WAC 296-67-009(2)

The employer did not consult with employees and their representatives on the conduct and development of process hazards analyses and on the development of the other elements of process safety management in this standard. Employees operate, perform maintenance, and work on or around the refrigeration system performing jobs including, but not limited to, refrigeration operators and forklift operators.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Correct by: 9/23/2014
Assessed penalty: \$700.00

Violation 1 Item 2

Violation Type: Serious

WAC 296-67-013(3)(a)(ii)

The employer did not ensure that process safety information (PSI) depicted on piping and instrument diagrams (P&ID) were accurate and up to date in the following instances:

1. The transfer vessel and its associated piping, valves, and gages, were not on P&ID provided at the time of the inspection.
2. A strainer and solenoid valve MR4-CV-9 was not on the P&ID provided at the time of the inspection.

Employees operate and perform maintenance on the anhydrous ammonia refrigeration system.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Employer, deficiency's were found on the engine rooms P&ID's as they were not updated to reflect changes made to the system. All P&IDs should be evaluated and updated if necessary to reflect all changes or upgrades made to the system.

This violation was corrected during the inspection.
Assessed penalty: \$700.00

Violation 1 Item 3a

Violation Type: Serious

WAC 296-67-017(3)(e)

Gilbert Orchard Inc process hazard analysis (PHA) did not address facility siting. Employees operate and perform maintenance on the anhydrous ammonia refrigeration system.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

The following additional correction documentation is required for this violation:

Employer, please provide PHA facility siting information for review and as proof of abatement.

Correct by: 9/23/2014
Assessed penalty: \$700.00

Violation 1 Item 3b

Violation Type: Serious

WAC 296-67-017(3)(f)

Gilbert Orchard Inc process hazard analysis (PHA) did not address human factors. Employees operate and perform maintenance on a refrigeration system cooled by anhydrous ammonia.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

The following additional correction documentation is required for this violation:

Employer, please provide PHA human factors information for review and as proof of abatement

Correct by: 9/23/2014
Assessed penalty: Included in Violation 1 Item 3A

Violation 1 Item 4

Violation Type: Serious

WAC 296-67-017(4)

Gilbert Orchard Inc processes hazard analysis (PHA) was developed without at least one team member being knowledgeable in the specific PHA methodology being used. Employee operate and perform maintenance on a refrigeration system cooled by anhydrous ammonia.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$700.00

Violation 1 Item 5

Violation Type: Serious

WAC 296-67-017(5)

Gilberts Orchard Inc did not establish a system to promptly address the team's process hazard analysis (PHA) findings and recommendations or assure that the recommendations are resolved in a timely manner and that the resolutions are documented. There were 8 instances:

Item 1.1: Train operators on SOP for safety relief valve (SRV) maintenance- Due date 12/6/14

Item 1.5: Train operators on SOP for valve operation- Due date 12/6/14

Item 1.8: Train operators on SOP for compressors- Due date 12/6/14

Item 1.15: Train operators on valve locations and access- Due date 12/6/14

Item 2.6: Train employees on Emergency Response- Due date 12/6/14

Item 2.9: Train operators on condenser operation- Due date 12/6/14

Item 4.14: Train forklift drivers on hazards of NH₃- Due date 12/6/14

Item 5.6: Training- Set up training for all operators for entire system on all SOPs- Due date 12/6/14

Employees operate, perform maintenance, and use forklifts in cold rooms where anhydrous ammonia systems are present.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Correct by: 9/23/2014

Assessed penalty: \$2,100.00

Violation 1 Item 6a

Violation Type: Serious

WAC 296-67-025(1)

Gilbert Orchard Inc did not train each employee involved in operating a process in an overview of the process and in the operating procedures. The employers PHA findings report show that training for operators on SOP for safety relief valves (SRV), valve operation, compressors, employee emergency response, condenser operations, and SOP training for all operators for the entire system had not been completed. Employees operate and perform maintenance on a refrigeration system cooled by anhydrous ammonia.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Correct by: 9/23/2014
Assessed penalty: \$700.00

Violation 1 Item 6b

Violation Type: Serious

WAC 296-67-025(3)

Gilbert Orchard Inc did not have a record containing the identity of employees, dates of training, or the means used to verify employees understood the training for employees involved in operating a process covered by process safety management. Employees operate and perform maintenance on a refrigeration system cooled by anhydrous ammonia.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

The violations 1-6(a) and 1-6(b) above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

Correct by: 9/23/2014
Assessed penalty: Included in Violation 1 Item 6A

Violation 1 Item 7

Violation Type: Serious

WAC 296-67-029(2)(c)

Gilbert Orchard Inc did not notify contract employers of the applicable provisions of the emergency action plan (EAP). The employer has two contractor employers (Central Washington Refrigeration and Double-Kold) but no training or instruction was given to contractors to ensure they understand the employers EAP or to ensure contract employees know what to do and where to go in the event of a process emergency.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Correct by: 9/23/2014
Assessed penalty: \$700.00

Violation 1 Item 8

Violation Type: Serious

WAC 296-67-029(2)(e)

Gilbert Orchard Inc did not evaluate the performance of contract employees to ensure they are fulfilling their obligations as specified in the contract employers responsibilities portion of the standard. Contractors are routinely onsite and have been involved in the design and construction of the system, drafting P&IDs, and recharging the ammonia system when necessary.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.
Assessed penalty: \$700.00

Violation 1 Item 9a

Violation Type: Serious

WAC 296-800-11040

The employer did not control chemical agents in a manner that they would not present a hazard to the employees that use forklifts indoors or protect employees from the hazard of exposure to Carbon monoxide (CO). The employee used a Liquid Propane Gas (LPG) powered forklift indoors in a fruit cold storage room that had limited ventilation. Four employees were exposed to CO concentrations in excess of the allowable 5-minute Short Term Exposure Limit (STEL) of 200ppm for 1 hour.

CO can be toxic if inhaled causing nausea, vomiting, dizziness, and other central nervous system related problems resulting in hospitalization and medical attention for recovery.

This violation was corrected during the inspection.

Assessed penalty: \$4,500.00

Violation 1 Item 9b

Violation Type: Serious

WAC 296-841-20005(1)

The employer did not conduct exposure evaluations to reasonably estimate whether an employee is or could be exposed to Carbon monoxide (CO), above the permissible exposure limits. Four (4) employees were not protected from the hazard of exposure to CO while operating a Liquid Propane Gas (LPG) powered forklift in a poorly ventilated fruit cold storage room. Four employees were exposed to CO concentrations in excess of the allowable 5-minute Short Term Exposure Limit (STEL) of 200ppm for 1 hour.

CO can be toxic if inhaled causing nausea, vomiting, dizziness, and other central nervous system related problems resulting in hospitalization and medical attention for recovery.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: Included in Violation 1 Item 9A

Violation 1 Item 9c

Violation Type: Serious

WAC 296-863-30020

The employer did not maintain Powered Industrial Trucks (PIT) according to the manufacturer's instructions. The Liquid Propane Gas (LPG) powered Hyster Forklift operated in the cold storage fruit warehouse was not maintained properly, in that, carbon monoxide emissions in the warehouse exposed employees to elevated levels of carbon monoxide (CO).

CO can be toxic if inhaled causing nausea, vomiting, dizziness, and other central nervous system related problems resulting in hospitalization and medical attention for recovery.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

**This violation was corrected during the inspection.
Assessed penalty: Included in Violation 1 Item 9A**

Violation 1 Item 10

Violation Type: Serious

WAC 296-800-15030

The employer did not ensure that emergency washing facilities are readily accessible or designed to the appropriate consensus standard required in the following instances:

Instance 1: Sanitation employees work with corrosives but do not have access to emergency eyewashes that are readily accessible within 10 seconds or 50 feet from the farthest point of use of corrosives from eyewash equipment.

Chemical splashes can cause eye damage requesting in loss of vision and permanent disability.

Instance 2: Refrigeration Maintenance/Operators working with anhydrous ammonia do not have access to an emergency eyewash or shower designed to the appropriate consensus standard. Machine room emergency eyewash and body shower unit was not located external to the machinery room.

Anhydrous ammonia liquid/or gas is a strong corrosive that has acute effects, exposure can lead to permanent loss of vision, damage to skin and underlying tissue. Exposure due to a significant leak could cause serious injury/illness or death.

**Correct by: 8/9/2014
Assessed penalty: \$2,100.00**

Violation 1 Item 11

Violation Type: Serious

WAC 296-800-17030

The employer did not provide employees with information and training on hazardous chemicals in their work place at the time of their initial job assignment. Employees drive liquid propane gas (LPG) forklifts stacking crates of apples in refrigerated storage rooms but employees had not been through Hazard Communication training. There were four (4) carbon monoxide (CO) poisoning that took place on 2/5/14 and none of the 4 employees were hired in 2013 or before but had not been through hazard communication training.

CO can be toxic if inhaled causing nausea, vomiting, dizziness, and other central nervous system related problems resulting in hospitalization and medical attention for recovery.

Correct by: 8/9/2014
Assessed penalty: \$4,500.00

Violation 1 Item 12

Violation Type: Serious

WAC 296-824-30005

Employer has not ensured employees are appropriately trained in their assigned duties to the level required of a hazardous materials technician level. Employees are required to enter areas with NH₃ concentrations at or above 300ppm (IDLH concentration) to stop leaks.

Catastrophic events that could result in the release of anhydrous ammonia vapor/liquid could cause serious injury/illness and/or death.

In order to respond to a leak or a spill one would need to monitor the air concentrations of the area they will be entering in order to ensure employees will not be exposed to NH₃ concentrations at or above IDLH level of 300ppm. Monitoring needs to be performed when approaching a potential leak or spill in order to accurately determine the concentration of NH₃ in the employees breathing zone. Monitoring can consist of using detector tubes or handheld monitoring devices. Employees must understand the limitation of their training and recognize at what NH₃ concentration they can safely enter and what concentration exceeds their abilities to respond. Currently employees do not have a solid understanding on how to delineate when and when not to enter a area where a release has occurred.

Correct by: 8/9/2014
Assessed penalty: \$700.00

Violation 2 Item 1

Violation Type: General

WAC 296-67-029(2)(f)

Gilbert Orchards Inc did not maintain contract employee injury and illness logs as it related to the contractor's work in the process area. Double-Kold Refrigeration and Central Washington Refrigeration routinely perform work on Gilbert Orchards anhydrous ammonia facility.

This violation was corrected during the inspection.

Assessed penalty: \$0.00

Violation 2 Item 2

Violation Type: General

WAC 296-307-09515(2)

Gilbert Orchard Inc did not provide hand washing facilities for employees engaged in hand-labor operation in the field as the portable toilets did not have running water. Employees were working/pruning apple trees in the orchard.

Correct by: 8/24/2014

Assessed penalty: \$0.00

Violation 2 Item 3

Violation Type: General

WAC 296-800-16010

Gilbert Orchards Inc did not have a written certification that a hazard assessment for personal protective equipment (PPE) had been performed. Employees perform anhydrous ammonia operation/maintenance, shop maintenance, drive forklifts, sort fruit on production line, perform house cleaning, and work as production line sanitation crews which requires the use of PPE.

The assessment must contain the following information:

- Name of the workplace.
- Address of the workplace you inspected for hazards.
- Name of person certifying that a workplace hazard assessment was done.
- Date(s) the workplace hazard assessment was done.
- Statement identifying the document as the certification of hazard assessment for PPE for the workplace.

The following additional correction documentation is required for this violation:
Employer please provide certified PPE assessment for review and as proof of abatement.

Correct by: 8/24/2014
Assessed penalty: \$0.00

Violation 2 Item 4

Violation Type: General

WAC 296-800-17010

Gilbert Orchard Inc did not have a current/up to date list of all hazardous chemicals present in the workplace. Sanitation employees work with corrosives on the evening/night shift but list of chemicals that were provided did not include all the chemicals used by sanitation employees such as Chlor Cling 937, Signet Heavy Duty Non-Acid Washroom Cleaner/Disinfectant, and Orange Blast.

Correct by: 8/24/2014
Assessed penalty: \$0.00

Violation 2 Item 5

Violation Type: General

WAC 296-800-17020

Gilbert Orchards Inc did not ensure that MSDSs were readily accessible, easily obtained without delay during the shift by employees or for NIOSH. Sanitation employees' work with corrosives on the evening/night shift.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00

Violation 2 Item 6

Violation Type: General

WAC 296-809-40002

The employer did not provide confined space training to all employees that enter permit--required confined spaces (PRCS). Employees perform a partial body entry through a 36"36" door into a controlled atmosphere (CA) with a 2% oxygen atmosphere.

Correct by: 8/24/2014

Assessed penalty: \$0.00

Violation 2 Item 7

Violation Type: General

WAC 296-809-40004

The employer did not certify employee proficiency in their assigned duties as it pertained to Permit Confined Space entries. Employees perform a partial body entry through a 36"36" door into a controlled atmosphere (CA) with a 2% oxygen atmosphere.

Correct by: 8/24/2014

Assessed penalty: \$0.00

Violation 2 Item 8

Violation Type: General

WAC 296-809-50004

The employer entry permit did not identify all the required information such as, what the acceptable entry conditions that apply for entry into their operations, what rescue and emergency services are available, or how to contact them. Employees perform a partial body entry through a 36"36" door into a controlled atmosphere (CA) with a 2% oxygen atmosphere.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00

Violation 2 Item 9

Violation Type: General

WAC 296-809-50006

The employer is not ensuring that entry permits are being reviewed when there is reason to believe the entry program may not protect employees. Employees perform a partial body entry through a 36"36" door into a controlled atmosphere (CA) with an 2% oxygen atmosphere. Permits were reviewed for entries that took place on 12/18/13, 1/20/14, 2/19/14, 3/12/14, 4/3/14, 4/14/14, and 5/27/14. Permits did not have all the necessary information required on entry permits (permits do not identify what the acceptable entry conditions for safe entry a CA room) and the entry supervisor was signing off before and after each entry were made.

Correct by: 8/24/2014

Assessed penalty: \$0.00

Violation 2 Item 10

Violation Type: General

WAC 296-842-12005(2)(e)

The employer did not include all the applicable elements listed in Table 3 when developing their written respirator program. The program does not effectively address or include the following elements:

- *A list of the appropriate respirators to be worn by employees for each respiratory hazard in the workplace.
- *Respirator selection section
- *Cartridge change out schedule when wearing air purifying respirators to protect against gas and vapor contaminants.
- *Fit-testing provisions/procedures
- *Respiratory hazards encountered during routine and infrequent activities.

Employees are issued respirators when working on the NH₃ refrigeration system and when performing partial entries into low O₂ storage rooms to retrieve fruit.

Employer please be aware that WAC 296-307-60205 applies to respirator selection in Agriculture and needs to be addressed for respirator use for pesticide applicators spraying restricted use pesticides.

Also, regarding proper storage of respirators please be sure to do the following:

296-842-17010

Store respirators properly.

- (1) Store respirators to protect them from ALL of the following:
 - (a) Deformation of the facepiece or exhalation valve
 - (b) Sunlight or extreme temperatures or other conditions
 - (c) Contamination such as dust or damaging chemicals
 - (d) Excessive moisture.

Note: Use coffee cans, sealable plastic bags, or other suitable means of protection.

- (2) Follow these additional requirements for emergency respirators:
 - (a) Keep respirators accessible to the work area
 - (b) Store respirators in compartments or with covers clearly marked as containing emergency respirators
 - (c) Follow additional storage instructions from the respirator manufacturer
 - (d) Store an adequate number of emergency respirators in each area where they may be needed.

Correct by: 8/24/2014
Assessed penalty: \$0.00

Violation 2 Item 11

Violation Type: General

WAC 296-842-15005(1)(a)

The employer did not provide fit testing for employees who are assigned duties that require the use of respirators. Employees are required to wear Scott North full face self-containing breathing apparatus (SCBA) Air pack to perform a partial body entry through a 36"36" door into a controlled atmosphere (CA) with an 2% oxygen (O2) atmosphere and for emergency standby personnel.

Correct by: 8/24/2014
Assessed penalty: \$0.00

Violation 2 Item 12

Violation Type: General

WAC 296-842-20005(4)

The employer was not obtaining a certification of analysis from the supplier verifying each cylinder's contents meet Grade D breathing air requirements and dew point standard. Employees wear a self-containing breathing apparatus (SCBA) into controlled atmosphere (CA) rooms known to have Immediate Danger to Life and Health (IDLH) atmospheres due to being purged to oxygen (O2).

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00

What you must do now:

- Check the correction due date(s) shown on the enclosed Employer Certification of Abatement Form. You must fully correct the hazards by these dates.
 - Describe on the form how you corrected each hazard, rather than what you *intend to do* in the future. Examples:
 - Right:** *All staff have received the required training.*
 - Wrong:** *All staff will receive the required training next week.*
- Use attachments if you need more space. Submit additional documentation of hazard correction if requested in the citation packet.
- Fill in the date you corrected the hazard and sign.
 - Post a copy of the completed form for at least three working days, or until you have corrected all violations, whichever is longer. It must be posted near the hazard location or in a place that is readily accessible by affected employees and their representatives.
 - Send your completed form to the address provided.

Note: If we do not receive written confirmation you have corrected the hazards, we will take follow-up action, which may include additional penalties. If you provide us with false information, you may face criminal penalties.

If you are unable to fix the hazard(s) by the correction due date(s):

We must receive your written request for an extension **before** the correction due date(s) listed for the hazard(s). Correction due dates are shown on the enclosed Citation and Notice of Assessment and on your Employer Certification of Abatement Form(s).

Extensions are not automatically granted. To be considered for an extension, you must provide the following:

- Inspection number, employer name, telephone number, and site address.
- Violation and Item number for each requested extension.
- Correction due date on the citation and additional time needed.
- Steps taken to fix the hazard by the correction due date.
- Why you cannot correct the hazard by the correction due date.
- How you will protect your employees until you fix the hazard.

For more information, contact:
Or call: (509) 886-6560

Mark Wilson, Compliance Supervisor
Department of Labor and Industries
Dept. of Labor & Industries
519 Grant Road
East Wenatchee, WA 98802

You must post all documentation associated with your request for extension with your citation packet. All postings must remain until you have corrected all violations, or unless you have appealed and received and posted your hearing notice.



Employer Certification of Abatement Form

Inspection: 316966936

UBI: 397009818

Issued: July 22, 2014

Legal Name: GILBERT ORCHARDS INC

DBA Name: GILBERT ORCHARDS INC

Site Address: 10804 Gilbert Rd, Yakima, WA, 98903

You must complete this form and return it to: MICHAEL GLAZIER, Department of Labor & Industries
Dept of Labor & Industries, 15 W Yakima Ave, Suite 100, Yakima,
WA 98902

Or Fax to: (509) 454-3710

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-1	Serious	296-67-009(2)	9/23/2014
How you corrected the hazard →			
Date you corrected the hazard →			
1-3a	Serious	296-67-017(3)(e)	9/23/2014
Violation Summary: No facility siting in PHA			
How you corrected the hazard →			
Date you corrected the hazard →			
1-3b	Serious	296-67-017(3)(f)	9/23/2014
Violation Summary: No human factors in PHA			
How you corrected the hazard →			
Date you corrected the hazard →			
1-5	Serious	296-67-017(5)	9/23/2014

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature Name

Title Date Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature Date



Employer Certification of Abatement Form

Inspection: 316966936

UBI: 397009818

Issued: July 22, 2014

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How you corrected the hazard →			
Date you corrected the hazard →			
1-6a	Serious	296-67-025(1)	9/23/2014
Violation Summary: Operations for process training			
How you corrected the hazard →			
Date you corrected the hazard →			
1-6b	Serious	296-67-025(3)	9/23/2014
Violation Summary: Certify operator training was understood			
How you corrected the hazard →			
Date you corrected the hazard →			
1-7	Serious	296-67-029(2)(c)	9/23/2014
Violation Summary: Contractor EAP training			
How you corrected the hazard →			

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Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

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Date you corrected the hazard →	

POST THIS DOCUMENT

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Signature	Name
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Title	Date	Phone No.
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DOSH USE ONLY

DOSH Reviewer's Signature	Date
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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-10	Serious	296-800-15030	8/9/2014
Violation Summary: Emergency eyewash and shower			
How you corrected the hazard →			
Date you corrected the hazard →			
1-11	Serious	296-800-17030	8/9/2014
Violation Summary: No Hazard Communication training			
How you corrected the hazard →			
Date you corrected the hazard →			
1-12	Serious	296-824-30005	8/9/2014
Violation Summary: Emergency planning and response training			
How you corrected the hazard →			
Date you corrected the hazard →			

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
2-2	General	296-307-09515(2)	8/24/2014
Violation Summary: No water at handwashing facility			
How you corrected the hazard →			
Date you corrected the hazard →			
2-3	General	296-800-16010	8/24/2014
Violation Summary:			
How you corrected the hazard →			
Date you corrected the hazard →			
2-4	General	296-800-17010	8/24/2014
Violation Summary: Chemical inventory list not current			
How you corrected the hazard →			
Date you corrected the hazard →			
2-6	General	296-809-40002	8/24/2014

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Violation Summary: PRCS training			
How you corrected the hazard →			
Date you corrected the hazard →			
2-7	General	296-809-40004	8/24/2014
Violation Summary: No PRCS training certification			
How you corrected the hazard →			
Date you corrected the hazard →			
2-9	General	296-809-50006	8/24/2014
Violation Summary: Not reviewing permits			
How you corrected the hazard →			
Date you corrected the hazard →			
2-10	General	296-842-12005(2)(e)	8/24/2014
Violation Summary: Respirator selection does not effectively address			
How you corrected the hazard →			

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Date you corrected the hazard →			
2-11	General	296-842-15005(1)(a)	8/24/2014
Violation Summary: No respirator fit testing for SCBA			
How you corrected the hazard →			
Date you corrected the hazard →			

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For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, or personally delivered.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, "If you are unable to fix the hazard(s) by the correction due date(s)".

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved. You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Program
PO Box 44604
Olympia, WA 98504-4604
Fax to: (360) 902-5581 or deliver to: **Any L&I office**

For more information call the Appeals Program: (360) 902-5486.

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