



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

March 1, 2017

JOHANNA BEVERAGE COMPANY LLC
Po Box 272
Flemington, NJ 08822

OSHA #: 1174929
Inspection: 317942074
UBI: 602686938
Region: 6-Health
Inspector ID: J5872
Reference: 203400567

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 \$154,000.00
- **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.

Because this inspection is public information, the result will be posted online 30 days after the above date by the Department of Labor & Industries. You may view it at <https://secure.lni.wa.gov/verify/>.

If you have questions, call the compliance supervisor, Dennis Sasse, at (509) 324-2535.

Respectfully,

Anne F. Soiza

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

Enclosure(s)



Invoice

Inspection: 317942074

UBI: 602686938
Legal Name: JOHANNA BEVERAGE COMPANY LLC
DBA Name: JOHANNA BEVERAGE COMPANY LLC
Inspection: 5625 W Thorpe Rd,
Site: Spokane, WA, 99224

Issued: March 1, 2017
Opening Conference: September 1, 2016
Closing Conference: February 22, 2017
Inspector ID: J5872

Summary of Assessed Penalties Due

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

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1a	Willful Serious	WAC 296-824-20005(1)	4/3/2017	\$70,000.00
1-1b	Willful Serious	WAC 296-24-567(1)(b)	4/3/2017	\$0.00
1-2a	Willful Serious	WAC 296-824-30005	4/3/2017	\$70,000.00
1-2b	Willful Serious	WAC 296-24-567(1)(e)(i)	4/3/2017	\$0.00
2-1	Serious	WAC 296-800-31070	4/3/2017	\$7,000.00
2-2	Serious	WAC 296-842-11005(3)	4/3/2017	\$7,000.00
3-1	General	WAC 296-800-16010	4/3/2017	\$0.00
<u>Total Penalty Due</u>				\$154,000.00

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 317942074 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

Citation and Notice of Assessment Inspection: 317942074

UBI: 602686938

Issued: March 1, 2017

Legal Name: JOHANNA BEVERAGE COMPANY LLC

Opening Conference: September 1, 2016

DBA Name: JOHANNA BEVERAGE COMPANY LLC

Closing Conference: February 22, 2017

Inspection Site: 5625 W Thorpe Rd Spokane, WA 99224

Inspector ID: J5872

Violation 1 Item 1a

Violation Type: Willful Serious

WAC 296-824-20005(1)

The employer did not develop an emergency response plan that adequately addresses the minimum requirements to ensure employee safety from anhydrous ammonia emergencies. It must cover at a minimum preemergency planning, personnel roles and lines of authority and communications for all affected parties including responders, and employee training. The plan should include the required elements specific to ammonia. Employees worked in a facility that contained anhydrous ammonia. There were three ammonia leaks in less than a year. After the first leak the employer was instructed by local emergency responders to come up with a plan to address ammonia leaks. No adequate plan was produced. Months later there were two more leaks. The employer's responses included disorganized evacuations, evacuations downwind of the leak, as well as poor communication, and miscommunication to local emergency responders. Exposure to anhydrous ammonia can lead to serious injury and/or death.

The following additional correction documentation is required for this violation:

A copy of the emergency response plan specific to ammonia leaks, and/or updated accident prevention program containing the the emergency response plan minimum requirements below, specific to ammonia leaks.

It must contain at minimum:

Preemergency planning and coordination with additional responders (including personnel from other employers such as: Fire departments, law enforcement agencies, emergency medical services, and state or federal agencies)

Personnel roles, (See Table 1) and lines of authority and communications for all affected parties including responders

Employee training (see WAC 296-824-30005 for more detail).

Correct by: 4/3/2017
Assessed penalty: \$70,000.00

Violation 1 Item 1b

Violation Type: Willful Serious

WAC 296-24-567(1)(b)

The employer did not put an emergency action plan for anhydrous ammonia in writing. It must cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies. The plan should include the required elements specific to ammonia. Employees worked in a facility that contained anhydrous ammonia. There were three ammonia leaks in less than a year. After the first leak the employer was instructed by local emergency responders to come up with a plan to address response to ammonia leaks. No adequate plan was produced. Months later there were two more leaks. The employer's responses included disorganized evacuations, evacuations downwind of the leak, as well as poor communication, and miscommunication to local emergency responders. Exposure to anhydrous ammonia can lead to serious injury 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:

A copy of the emergency action plan specific to ammonia leaks, and/or updated accident prevention program containing the emergency action plan minimum elements below, specific to ammonia leaks.

It must contain the following elements specific to an ammonia leak:

- (i) Emergency escape procedures and emergency escape route assignments;
- (ii) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- (iii) Procedures to account for all employees after emergency evacuation has been completed;
- (iv) Rescue and medical duties for those employees who are to perform them;
- (v) The preferred means of reporting fires and other emergencies; and
- (vi) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

Correct by: 4/3/2017
Assessed penalty: Included in Violation 1 Item 1A

Violation 1 Item 2a

Violation Type: Willful Serious

WAC 296-824-30005

The employer did not provide initial training before an employee was allowed to participate in actual emergency response operations during an ammonia leak. Employees were not trained on emergency response procedures specific to an ammonia leak. Employees worked in a facility that contained anhydrous ammonia. There were three ammonia leaks in less than a year. After the first leak the employer was instructed by local emergency responders to come up with a plan to address response to ammonia leaks. No adequate plan was produced and no adequate training was given to employees. Months later there were two more leaks. The employer's responses included disorganized evacuations, evacuations downwind of the leak, as well as poor communication, and miscommunication to local emergency responders. Exposure to anhydrous ammonia can lead to serious injury and/or death.

Correct by: 4/3/2017
Assessed penalty: \$70,000.00

Violation 1 Item 2b

Violation Type: Willful Serious

WAC 296-24-567(1)(e)(i)

The employer did not designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees during an ammonia leak. Employees were not trained on evacuation procedures specific to an ammonia leak. Employees worked in a facility that contained anhydrous ammonia. There were three ammonia leaks in less than a year. After the first leak the employer was instructed by local emergency responders to come up with a plan to address response to ammonia leaks. No adequate plan was produced and no adequate training was given to employees. Months later there were two more leaks. The employer's responses included disorganized evacuations, evacuations downwind of the leak, as well as poor communication, and miscommunication to local emergency responders. Exposure to anhydrous ammonia can lead to serious injury 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.

Correct by: 4/3/2017
Assessed penalty: Included in Violation 1 Item 2A



Post This Document

Citation and Notice of Assessment Inspection: 317942074

Violation 2 Item 1

Violation Type: Serious

WAC 296-800-31070

The employer did not ensure there was an appropriate employee alarm system for anhydrous ammonia. Employees work in a facility that uses an anhydrous ammonia refrigeration system with an alarm system that is not distinct and recognizable to evacuate the work area. Lack of an appropriate alarm system can cause employees to not be aware of ammonia in the area which can cause serious injury and or death.

Correct by: 4/3/2017
Assessed penalty: \$7,000.00

Violation 2 Item 2

Violation Type: Serious

WAC 296-842-11005(3)

The employer did not ensure that voluntary use of respirators was done safely. One employee was using a respirator without the proper training and provisions during an ammonia leak. Improper use of a respirator in a hazardous atmosphere can lead to serious injury and or death.

The following additional correction documentation is required for this violation: If respirators will be used, a written respiratory protection program is required to be submitted for review.

Correct by: 4/3/2017
Assessed penalty: \$7,000.00

Violation 3 Item 1

Violation Type: General

WAC 296-800-16010

The employer did not ensure to document the hazard assessment for PPE when the ammonia refrigeration system was installed. Employees work in a facility with anhydrous ammonia refrigeration system.

Correct by: 4/3/2017
Assessed penalty: \$0.00

Employer Certification of Abatement Instructions Inspection: 317942074

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) 324-2535

Dennis Sasse, Compliance Supervisor
Department of Labor and Industries
901 N. Monroe Street
Suite 100
Spokane, WA 99201-2618

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: 317942074

UBI: 602686938

Issued: March 1, 2017

Legal Name: JOHANNA BEVERAGE COMPANY
LLC

DBA Name: JOHANNA BEVERAGE COMPANY
LLC

Site Address: 5625 W Thorpe Rd, Spokane, WA, 99224

You must complete this form and return it to: SHELBEY JOHNSON, Department of Labor & Industries
901 N Monroe Ste. 100, Spokane, WA 99201
Or Fax to:

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

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-1a	Willful Serious	WAC 296-824-20005(1)	4/3/2017

Violation Summary: NH3 Response Plan

How you corrected the hazard →

Date you corrected the hazard →

1-1b	Willful Serious	WAC 296-24-567(1)(b)	4/3/2017
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Violation Summary: NH3 Specific Evac Plan

How you corrected the hazard →

Date you corrected the hazard →

1-2a	Willful Serious	WAC 296-824-30005	4/3/2017
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Violation Summary: Train Employees on Em. Response

How you corrected the hazard →

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: 317942074

UBI: 602686938

Issued: March 1, 2017

Legal Name: JOHANNA BEVERAGE COMPANY
LLC

DBA Name: JOHANNA BEVERAGE COMPANY
LLC

Site Address: 5625 W Thorpe Rd, Spokane, WA, 99224

You must complete this form and return it to: **SHELBEY JOHNSON, Department of Labor & Industries**
901 N Monroe Ste. 100, Spokane, WA 99201
Or Fax to:

Date you corrected the hazard →

1-2b	Willful Serious	WAC 296-24-567(1)(e)(i)	4/3/2017
Violation Summary: Train on em. plan			
How you corrected the hazard →			
Date you corrected the hazard →			

2-1	Serious	WAC 296-800-31070	4/3/2017
Violation Summary: Distinct NH3 Alarm			
How you corrected the hazard →			
Date you corrected the hazard →			

2-2	Serious	WAC 296-842-11005(3)	4/3/2017
Violation Summary: Written Respirator Program			
How you corrected the hazard →			
Date you corrected the hazard →			

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: 317942074

UBI: 602686938

Issued: March 1, 2017

Legal Name: JOHANNA BEVERAGE COMPANY
LLC

DBA Name: JOHANNA BEVERAGE COMPANY
LLC

Site Address: 5625 W Thorpe Rd, Spokane, WA, 99224

You must complete this form and return it to: SHELBEY JOHNSON, Department of Labor & Industries
901 N Monroe Ste. 100, Spokane, WA 99201
Or Fax to:

3-1	General	WAC 296-800-16010	4/3/2017
Violation Summary: Hazard Assesment for Frick			
How you corrected the hazard →			
Date you corrected the hazard →			

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

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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Flemington, NJ 08822

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