

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
Progress Plaza  
49 North Progress Avenue  
Harrisburg, PA 17109  
Phone: (717)782-3902 FAX: (717)782-3746



## Citation and Notification of Penalty

**To:**  
Exel, Incorporated  
and its successors  
500 North Lingle Avenue  
Palmyra, PA 17078

**Inspection Number:** 315884585  
**Inspection Date(s):** 08/23/2011- 02/21/2012  
**Issuance Date:** 02/21/2012

**Inspection Site:**  
500 North Lingle Avenue  
Palmyra, PA 17078

*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 (this Citation) describes violations of the Occupational Safety and Health Act of 1970. 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 proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) 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 Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission 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 Federal 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 Area Director during the 15 working 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, please schedule it early enough to allow time to contest after the informal conference,**

should you decide to do so (see next section). The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**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 proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. You should delay submitting a letter of contest if you are requesting an informal conference (see previous section).

**Penalty Payment** - Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) **Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance.**

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the OSHA Area Director. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations 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 as 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.

A copy of all abatement verification documents submitted to OSHA pursuant to 29 CFR 1903.19 must 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 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - 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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) 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 its 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](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/21/2012. The conference will be held at the OSHA office located at Progress Plaza, 49 North Progress Avenue, Harrisburg, PA, 17109 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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

29 CFR 1904.4(a): The employer required by this part to keep records of fatalities, injuries, and illnesses does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria:

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. The employer does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria. Eleven (11) instances of this violation occurred in 2008, resulting in the specific injuries and illnesses listed below not being recorded on the OSHA 300 Log for calendar year 2008. To abate this continuing violation, the employer in the future must ensure that it records on the OSHA 300 logs each fatality, injury and illness that is work-related, a new case and meets one or more of the general recording criteria.

To verify abatement of the 2008 instances of this violation, pursuant to 29 CFR 1903.19, the employer must submit the corrected OSHA 300 logs and the OSHA 300A for 2008, showing that specific failures to record listed below have been corrected. Pursuant to 29 CFR 1903.19, the employer must also submit documents describing the steps it will take to ensure future compliance, including an explanation as to how these steps will ensure that each fatality, injury, and illness that is work-related, a new case, and meets one or more of the general recording criteria, shall be recorded on the OSHA 300 logs.

- (a) On or about January 17, 2008, Line Assembler Co-Pack Line 7 - An employee was struck by boxes which fell off a broken pallet and suffered a strain/sprain of the lumbar region, contusions of the back, and intervertebral disc disorder with myelopathy-lumbar. The employee was prescribed medication and physical therapy with a lifting restriction for approximately seventy three (73) days beyond the day of injury.
- (b) On or about April 21, 2008, Line Assembler Co-Pack Bagger Line Second Level - An employee suffered a knee injury when trying to free a skid, and the employee lost approximately twelve (12) days beyond the day of injury.
- (c) On or about March 10, 2008, Line Assembler Co-Pack Line 12 - An employee was stacking boxes of product and cutting open boxes to supply to the line when a piece of cardboard sliced the employee's right index finger. A panel physician recommended a restriction of limited use and no rigorous grasping for approximately three (3) days beyond the day of injury.

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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.



### **Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (d) On or about April 15, 2008, Line Assembler Co-Pack Line 2 - An employee was supplying product and moving an empty skid when the skid slipped and bent the employees wrist back. A panel physician recommended a lifting restriction of approximately six (6) days beyond the day of injury.
- (e) On or about April 28, 2008, Line Assembler Co-Pack Line 4 - An employee was walking from line four to another assignment and the employee tripped over a box and hit his/her head. The employee was diagnosed with a concussion by a panel physician who recommend sedentary work only for approximately one (1) day beyond the day of injury.
- (f) On or about May 1, 2008, Line Assembler Co-Pack Line 10 - An employee was packing product and suffered an ankle sprain when the employee tripped over a skid. The treating physician recommended approximately three (3) days away from work beyond the day of injury.
- (g) On or about October 6, 2008, Line Assembler Co-Pack Line 9 - An employee was supplying product and threw a cardboard case onto the conveyor, causing dust to fly into the employee's eyes. The employee was diagnosed with a corneal abrasion and medication was prescribed.
- (h) On or about October 8, 2008, Line Assembler Co-Pack Line 1 - An employee was packing product into boxes and the employee threw an empty box onto the conveyor and felt a pull in the shoulder. The employee was diagnosed with a trapezius strain, medication was prescribed, and a lifting restriction was recommended for approximately forty four (44) days beyond the day of injury.
- (i) On or about November 14, 2008, Line Assembler Unspecified location - An employee was packing product and pain developed in the employee's index finger at the knuckle and right arm. The employee was evaluated by a physician and no use of the right arm or elbow was recommended for approximately seven (7) days beyond the day of injury.
- (j) On or about December 12, 2008, Line Assembler Line 4 - An employee was supplying the line with product, and the employee slipped on a box top and fell to the floor. A panel physician recommended limited use of the right leg, limited standing and walking, and sitting as needed for approximately three (3) days beyond the day of injury.

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**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 315884585  
**Inspection Dates:** 08/23/2011-02/21/2012  
**Issuance Date:** 02/21/2012



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (k) On or about December 7, 2008, Line Assembler Line 11- An employee was packing product and the employee felt a pop in the right shoulder and pain developed. The employee was diagnosed with a trapezius strain and a lifting restriction was recommended for approximately three (3) days beyond the day of injury.

Date By Which Instances Must be Abated: 03/16/2012  
Proposed Penalty: \$ 50000.00

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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.



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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### Citation 1 Item 2 Type of Violation: **Willful**

29 CFR 1904.4(a): The employer required by this part to keep records of fatalities, injuries, and illnesses does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria:

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. The employer does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria. Eleven (11) instances of this violation occurred in 2009, resulting in the specific injuries and illnesses listed below not being recorded on the OSHA 300 Log for calendar year 2009. To abate this continuing violation, the employer in the future must ensure that it records on the OSHA 300 logs each fatality, injury and illness that is work-related, a new case and meets one or more of the general recording criteria.

To verify abatement of the 2009 instances of this violation, pursuant to 29 CFR 1903.19, the employer must submit the corrected OSHA 300 logs and the OSHA 300A for 2009, showing that specific failures to record listed below have been corrected. Pursuant to 29 CFR 1903.19, the employer must also submit documents describing the steps it will take to ensure future compliance, including an explanation as to how these steps will ensure that each fatality, injury, and illness that is work-related, a new case, and meets one or more of the general recording criteria, shall be recorded on the OSHA 300 logs.

- (a) On or about April 23, 2009, Line Assembler Co-Pack EDC III Line 5 - An employee was supplying candy to the lines and developed pain in the neck and back. The employee was treated by a physician and prescribed one (1) day of lost time and a lifting restriction was recommended for approximately five (5) days beyond the day of injury.
- (b) On or about June 10, 2009, Line Assembler Co-Pack EDC III Undisclosed Location - An employee was packing candy and threw an empty box onto the overhead conveyor and dust flew into the employee's eye. The employee was treated by a licensed health care provider and approximately four (4) calendar days of lost time was recommended.
- (c) On or about April 21, 2009, Line Assembler Co-Pack EDC III Line 3 - An employee was wrapping completed pallets of product and developed pain in the neck and shoulder. The employee was treated by an emergency room physician and provided with a lifting restriction of approximately seven (7) days beyond the day of injury.

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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.



## **Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (d) On or about June 11, 2009, Line Assembler Co-Pack EDC III Line 11 - An employee was stacking boxes and pain developed in the back, which became progressively worse. The employee was treated by a physician who diagnosed a strain/sprain of the lower back, and prescribed medication and a lifting restriction for approximately nine (9) days beyond the day of injury.
  - (e) On or about June 22, 2009, Line Assembler Co-Pack EDC III Line 7 - An employee was supplying candy when the employee developed pain in the wrist. The employee was treated by a panel physician who diagnosed a wrist sprain and prescribed medication, and recommended limited or no use of the right hand for approximately one hundred twelve (112) days beyond the day of injury.
  - (f) On or about July 10, 2009, Line Assembler Co-Pack EDC III Line 8 - An employee was stacking product and pain developed in the left elbow. The employee was treated by a panel physician who diagnosed an elbow and forearm strain and prescribed a lifting restriction for approximately fourteen (14) days beyond the day of injury.
  - (g) On or about September 29, 2009, Line Assembler Co-Pack EDC III Line 8 - An employee was supplying product and pain developed in the shoulder. The employee was treated by a panel physician who diagnosed a neck strain/sprain and prescribed a restriction for approximately seven (7) days beyond the day of injury.
  - (h) On or about October 22, 2009, Line Assembler Co-Pack EDC III Line 4 - An employee was manually wrapping pallets and pain developed in left shoulder and neck. The employee was treated by a panel physician who diagnosed a sprain-strain of the left shoulder and upper arm and prescribed medication, physical therapy and a lifting restriction of the left arm for approximately nineteen (19) days beyond the day of injury.
  - (i) On or about November 4, 2009, Line Assembler Co-Pack EDC III line 9 - An employee was supplying candy and making trays and the employee developed pain in the wrist. The employee was treated by a panel physician who diagnosed a sprain/strain and tenosynovitis of the right wrist. The physician prescribed medication, physical therapy, and a lifting restriction for approximately ninety-one (91) days beyond the day of injury.
  - (j) On or about December 28, 2009, Line Assembler Co-pack EDC III line 5 - An employee was packing product and the employee felt a pull in the upper back. The employee was treated by a panel physician who diagnosed a trapezius strain, and prescribed medication and a lifting restriction for approximately twenty-one (21) days beyond the day of injury.
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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.



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (k) On or about April 29, 2009, Line Assembler Co-Pack EDC III Lines 1 and 4 - An employee was supplying and wrapping pallets and pain developed in the back and legs. The employee was treated by a panel physician who diagnosed lumbago, and prescribed a medication and a lifting restriction for approximately seven (7) days beyond the day of injury.

Date By Which Instances Must be Abated: 03/16/2012  
Proposed Penalty: \$ 50000.00



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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

29 CFR 1904.4(a): The employer required by this part to keep records of fatalities, injuries, and illnesses does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria:

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. The employer does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria. Nine (9) instances of this violation occurred in 2010, resulting in the specific injuries and illnesses listed below not being recorded on the OSHA 300 Log for calendar year 2010. To abate this continuing violation, the employer in the future must ensure that it records on the OSHA 300 logs each fatality, injury and illness that is work-related, a new case and meets one or more of the general recording criteria.

To verify abatement of the 2010 instances of this violation, pursuant to 29 CFR 1903.19, the employer must submit the corrected OSHA 300 logs and the OSHA 300A for 2010, showing that specific failures to record listed below have been corrected. Pursuant to 29 CFR 1903.19, the employer must also submit documents describing the steps it will take to ensure future compliance, including an explanation as to how these steps will ensure that each fatality, injury, and illness that is work-related, a new case, and meets one or more of the general recording criteria, shall be recorded on the OSHA 300 logs.

- (a) On or about August 16, 2010, Line Assembler Co-Pack EDC III Line 6 or 8 - An employee was packing candy and pain and swelling developed in the right hand. The employee was treated by a panel physician who diagnosed carpal tunnel syndrome, and the employee was prescribed medication and a lifting restriction for approximately one hundred twelve (112) days beyond the day of injury.
- (b) On or about January 13, 2010, Line Assembler Co-pack EDC III Line 6 - An employee was opening boxes and supplying candy and pain developed in the back. The employee was treated by a panel physician who diagnosed a strain/sprain to the lumbar region, and the employee was prescribed medication, physical therapy, and restrictions for approximately sixty-four (64) days beyond the day of injury.
- (c) On or about December 3, 2010, Line Assembler Co-pack EDC III Line 7 - An employee was packing candy when the employee felt a pop in the left shoulder. The employee was treated by a panel physician who prescribed medication, physical therapy and restrictions for approximately eighty-eight (88) days beyond the day of injury.

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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.



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (d) On or about December 13, 2010, Line Assembler Co-Pack EDC III Bagger 4 - An employee was stacking finished product on pallet and pain developed in the lower back. The employee was treated by a panel physician who diagnosed a strain/strain of the lumbar region, and prescribed medication and lifting restrictions for approximately twenty-two (22) days beyond the day of the injury.
- (e) On or about November 9, 2010, Line Assembler Co-Pack EDC III Line 3 - An employee was supplying the line and stacking product and pain developed in the back. The employee was treated by a panel physician who diagnosed a strain/sprain of the lumbar and thoracic regions of the back, and prescribed medication and lifting restrictions for approximately thirty seven (37) days beyond the day of the injury.
- (f) On or about November 30, 2010, Line Assembler Co-Pack EDC III Bagger 2 - An employee was moving a skid of finished product with a manual pallet jack and pain developed in the back while pumping the lift to raise the load. The employee was treated by a panel physician and family physician. The employee was prescribed medication and a work restriction was recommended for approximately fifty-one (51) days beyond the day of the injury.
- (g) On or about April 1, 2010, Line Assembler Co-Pack EDC III Bagger 5 - An employee was carrying a box from the line to a pallet box and pain developed in the mid back. The employee was treated by a panel physician who diagnosed a sprain/strain of the thoracic region, and a lifting restriction was recommended for approximately eleven (11) days beyond the day of injury.
- (h) On or about April 8, 2010, Line Assembler Co-Pack EDC III Line 7 - An employee was packing candy and the employee caught a foot on a pallet and fell back causing injuries to the wrist. The employee was treated by a panel physician who prescribed medication and a lifting restriction for approximately five (5) days beyond the day of injury.
- (i) On or about October 4, 2010, Line Assembler Co-Pack EDC III Line 1- An employee was supplying candy and pain developed in the wrists. The employee was treated by a panel physician and referred for carpal tunnel release surgery. Medication was prescribed and the employee lost approximately thirty five (35) days and had restricted duty for approximately seventy-three (73) days beyond the day of the injury.

**Date By Which Instances Must be Abated:** 03/16/2012  
**Proposed Penalty:** \$ 50000.00

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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.



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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### Citation 1 Item 4 Type of Violation: **Willful**

29 CFR 1904.4(a): The employer required by this part to keep records of fatalities, injuries, and illnesses does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria:

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. The employer does not record each fatality, injury and illness that is work-related, a new case, and meets one or more of the general recording criteria. Eleven (11) instances of this violation occurred in 2011, resulting in the specific injuries and illnesses listed below not being recorded on the OSHA 300 Log for calendar year 2011. To abate this continuing violation, the employer in the future must ensure that it records on the OSHA 300 logs each fatality, injury and illness that is work-related, a new case and meets one or more of the general recording criteria.

To verify abatement of the 2011 instances of this violation, pursuant to 29 CFR 1903.19, the employer must submit the corrected OSHA 300 logs and the OSHA 300A for 2011, showing that specific failures to record listed below have been corrected. Pursuant to 29 CFR 1903.19, the employer must also submit documents describing the steps it will take to ensure future compliance, including an explanation as to how these steps will ensure that each fatality, injury, and illness that is work-related, a new case, and meets one or more of the general recording criteria, shall be recorded on the OSHA 300 logs.

- (a) On or about June 13, 2011, Line Assembler Co-Pack EDC III Bagger 6 - An employee was packing candy and pain developed in the wrist. The employee was treated by a panel physician who prescribed medication. The employee lost approximately two (2) days and work restrictions were recommended for approximately sixty seven (67) days beyond the day of injury. Surgery occurred on August 22, 2011.
- (b) On or about January 31, 2011, Line Assembler Co-Pack EDC III Bagger 5 Upstairs - An employee was attempting to unjam a pallet from the upper deck of baggers and the employee's ankle rolled outward. The employee was treated at an emergency room, prescribed medication, and work restrictions were recommended for approximately fifteen (15) days beyond the day of injury.
- (c) On or about March 17, 2011, Line Assembler EDC III Unspecified Line - An employee was stacking completed product onto pallets and the employee's foot caught on a floor pallet conveyor system, causing the employee to stumble. The employee was treated by a panel physician who diagnosed a lumbar strain, prescribed medication, and a work restriction for approximately twenty (20) days beyond the day of injury.

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### Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
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- (d) On or about June 26, 2011, Line Assembler Co-Pack EDC III Line 10/12 - An employee was throwing boxes onto the corrugate line and a box fell back and hit the employee in the face. The employee was treated at an emergency room where a corneal abrasion was diagnosed and medication was prescribed.
- (e) On or about July 19, 2011, Line Assembler Co-Pack EDC III Bagger 12 - An employee was supplying candy, attempted to move stuck pallets and a pallet dropped on the left hand. The employee was treated by a physician who diagnosed an open finger wound. A lifting restriction was recommended for approximately four (4) days beyond the day of injury.
- (f) On or about July 26, 2011, Line Assembler EDC III Bagger 7 - An employee was supplying candy to the hopper and employee turned, hitting the left knee on the corner of the hopper. The employee was treated by a panel physician who diagnosed a contusion of the left knee. The employee was prescribed medication and a recommendation for a restriction of limited use of left leg, limited standing, and walking was recommended for approximately twenty-nine (29) days beyond the day of injury.
- (g) On or about July 26, 2011, Line Assembler Co-Pack EDC III Clean room - An employee was using a cleaner/ degreaser and sanitizer, when itching and swelling occurred on the face. The employee was treated by a panel physician who diagnosed contact dermatitis and prescribed medication.
- (h) On or about May 27, 2011, Line Assembler Co-Pack EDC III Lines 5/7 - An employee was making boxes continuously for approximately two (2) weeks and pain developed in left palm. The employee was treated by a panel physician who diagnosed trigger finger (acquired). The employee was prescribed a lifting restriction which was recommended for approximately sixteen (16) days beyond the day of injury. The employee was transferred to another business unit which was slower paced and had less repetitive motion.
- (i) On or about August 10, 2011, Line Assembler EDC III Bagger 2 - An employee was stacking boxes then supplying candy and pain developed in the lower back which became progressively worse. The employee was treated by a panel physician who diagnosed sprain/strain of the lumbar region, and prescribed medication and a lifting restriction for approximately (9) days beyond the day of injury.

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**Citation and Notification of Penalty**

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- (j) On or about April 5, 2011, Line Assembler Co-Pack EDC III Line 5- An employee was supplying product to lines and felt a pop and pain in the back. The employee was treated by a panel physician who prescribed medication, physical therapy, and restrictions were recommended for approximately thirty (30) days beyond the day of injury.
  
- (k) On or about April 25, 2011, Line Assembler Co-Pack EDC III Line 5 - An employee was packing candy and struck a finger on the bottom of a box sitting on the conveyor. The employee was treated at an emergency room and diagnosed with a contusion to the right middle finger. A lifting restriction was recommended for approximately forty-two (42) days beyond the day of injury.

Date By Which Instances Must be Abated: 03/16/2012  
Proposed Penalty: \$ 50000.00

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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.



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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

29 CFR 1904.32(b)(1): At the end of each calendar year, the employer does not review the OSHA 300 Log as extensively as necessary to make sure that the entries are complete and accurate.

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. At the end of each calendar year, the employer does not review the OSHA 300 Log as extensively as necessary to make sure that the entries are complete and accurate before certifying the OSHA 300A annual summary form, and does not ensure that all work-related, recordable injuries are included on the OSHA 300 Log. Three specific instances of this violation are listed below. To abate this continuing violation, the employer in the future must ensure that, at the end of each calendar year, it reviews the OSHA 300 Log as extensively as necessary to make sure that the entries are complete and accurate before certifying the OSHA 300A annual summary form, and that it takes steps necessary to ensure that no work-related, recordable injuries are omitted from the OSHA 300 Log.

To verify abatement of the three specific instances of this violation listed below, pursuant to 29 CFR 1903.19, the employer must submit documentation showing that it has reviewed the OSHA 300 Logs for 2008, 2009, and 2010 as extensively as necessary to make sure that the entries are complete and accurate, and that work-related, recordable injuries have not been omitted from the OSHA 300 Logs, and must re-certify and submit the OSHA 300A annual summary forms for 2008, 2009 and 2010. Pursuant to 29 CFR 1903.19, the employer must also submit documents describing the steps it will take to ensure future compliance, including an explanation as to how these steps will ensure that, at the end of each calendar year, the OSHA 300 Log will be reviewed as extensively as necessary to make sure that the entries are complete and accurate before certifying the OSHA 300A annual summary form, and that all work-related, recordable injuries will be included on the OSHA 300 Log.

- (a) The employer did not review the 2008 OSHA 300 Log as extensively as necessary to make sure that the entries were complete and accurate before certifying the OSHA 300A annual summary form, and did not take steps necessary to ensure that all work-related, recordable injuries were included on the OSHA 300 Log.
- (b) The employer did not review the 2009 OSHA 300 Log as extensively as necessary to make sure that the entries were complete and accurate before certifying the OSHA 300A annual summary form, and did not take steps necessary to ensure that all work-related, recordable injuries were included on the OSHA 300 Log.

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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.



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (c) The employer did not review the 2010 OSHA 300 Log as extensively as necessary to make sure that the entries were complete and accurate before certifying the OSHA 300A annual summary form, and did not take steps necessary to ensure that all work-related, recordable injuries were included on the OSHA 300 Log.

Date By Which Instances Must be Abated: 03/16/2012  
Proposed Penalty: \$ 10000.00



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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### Citation 1 Item 6 Type of Violation: **Willful**

29 CFR 1910.95(c)(1): A continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (n) is not administered when employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 dBA:

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. The employer does not administer a continuing, effective hearing conservation program as described in 29 CFR 1910.95(c) through (n) when employee noise exposures equal or exceed an 8-hour TWA sound level of 85 dBA. Three specific instances of this violation are listed below. To abate this continuing violation, the employer in the future must ensure that when employee noise exposures equal or exceed an 8-hour TWA sound level of 85 dBA, it administers a continuing, effective hearing conservation program, including but not limited to audiometric testing and annual training.

To verify abatement of the three specific instances of this violation listed below, pursuant to 29 CFR 1903.19, the employer must submit documentation showing: that it is administering a continuing, effective hearing conservation program for, at a minimum, the employees who rotate through the bagger 5 positions and the employees who work in the operator position on bagger 2; and that additional monitoring has been repeated in the bagger area to assess the impact of additional baggers installed in 2010 and 2011. Pursuant to 29 CFR 1903.19, the employer must also submit documents describing the steps it will take to ensure future compliance, including an explanation as to how these steps will ensure that an effective hearing conservation program will continue to be administered for all employees with noise exposures that equal or exceed an 8-hour TWA sound level of 85 dBA, and that monitoring will be repeated whenever in the future there is a change in production, process, equipment or controls that may increase noise exposure.

- (a) Bagger 5 - The employer did not establish an effective hearing conservation program in that all elements of a hearing conservation program did not exist. Audiometric testing was not performed and annual training was not provided for 3 employees rotating through the bagger 5 positions. One employee was exposed to an 8 hour time weighted average of 88.0 dBA based on a sample collected on 9-29-11 which covered seven hours fifty minutes. Zero exposure was assumed for the unsampled period of ten minutes.
- (b) Bagger 2 - The employer did not establish an effective hearing conservation program in that all elements of a hearing conservation program did not exist. Audiometric testing was not performed and annual training was not provided for the operator at bagger 2. One employee was exposed to an 8 hour time weighted average of 88.0 dBA based on a sample collected on 9-29-11 which covered seven hours forty seven minutes. Zero exposure was assumed for the unsampled period of thirteen minutes.

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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.



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (c) Baggers - The employer did not conduct noise monitoring when additional baggers were installed in 2010 and 2011, to determine whether additional employees were exposed to noise above the action level, on or about September 29, 2011.

Date By Which Instances Must be Abated:  
Proposed Penalty:

03/25/2012  
\$ 70000.00



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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

29 CFR 1904.7(b)(3) When an injury or illness involves one or more days away from work, the employer does not record the injury or illness on the OSHA 300 Log with a check 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.

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. The employer does not properly record on the OSHA 300 Log injuries and illnesses that involve one or more days away from work, in that the employer does not place a check 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. One specific instance of this violation is listed below. To abate this continuing violation, the employer in the future must record on the OSHA 300 Log all injuries and illnesses that involve one or more days away from work, including placing a check mark in the space for cases involving days away and entering the number of calendar days away from work in the number of days column.

To verify abatement of the specific instance of the violation listed below, pursuant to 29 CFR 1903.19, the employer must submit documentation showing that it has corrected the error described above in the OSHA 300 Log for 2011. Pursuant to 29 CFR 1903.19, the employer must also submit documentation describing the steps it will take to ensure that in the future, for all injuries and illnesses that involve one or more days away from work, the employer will properly record the injuries and illnesses on the OSHA 300 Log, including placing a check mark in the space for cases involving days away and entering the number of calendar days away from work in the number of days column.

- (a) Line Assembler Co-Pack EDC III Line 7 - On or about March 14, 2011, an employee suffered a work-related injury that resulted in 5 calendar days away from work, and 8 days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (I) ("Job transfer or restriction") and the number "8" in Column (L) ("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (H) ("Days away from work"), and should have placed the number "5" in Column (K) ("Away From Work (days)") in addition to the number "8" in Column (L).

Date By Which Instances Must be Abated: 03/16/2012  
Proposed Penalty: \$ 1000.00



## Citation and Notification of Penalty

Company Name: Exel, Incorporated  
Inspection Site: 500 North Lingle Avenue, Palmyra, PA 17078

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

29 CFR 1904.7(b)(4) When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer does not accurately record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column.

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer does not accurately record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column. Five instances of this violation occurred in 2009, resulting in the specific errors listed below on the OSHA 300 Log for 2009. To abate this continuing violation, when an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer in the future must ensure that it accurately records the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column.

To verify abatement of the 2009 instances of this violation, pursuant to 29 CFR 1903.19, the employer must submit the corrected OSHA 300 Log for 2009, showing that the specific errors listed below have been corrected. Pursuant to 29 CFR 1903.19, the employer must also submit documentation describing the steps it will take to ensure that in the future, when an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer will accurately record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column.

- (a) Line Assembler Co-Pack EDC III Line 57 - On or about July 28, 2009 an employee suffered a work-related injury that resulted in 26 days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "26" in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").
- (b) Line Assembler Co-Pack EDC III Line 8 - On or about July 31, 2009, an employee suffered work-related injury that resulted 14 days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (I)("Job transfer or restriction") and the number "0" in Column(L)("On job transfer or restriction (days)"). Instead, the employer should have placed "14" in Column(L)("On job transfer or restriction (days)").

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



**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

- (c) Line Assembler Co-Pack EDC III Production Floor - On or about January 21, 2009, an employee suffered work-related injury that resulted in "17" days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "17" in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").
- (d) Line Assembler Co-Pack EDC III Line 2 - On or about November 5, 2009, an employee suffered work-related injury that resulted in "21" days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "21" in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").
- (e) Line Assembler Co-Pack EDC III Bagger 5 - On or about September 10, 2009, an employee suffered work-related injury. On the OSHA 300 Log, the employer placed a check mark in Column (I)("Job transfer or restriction") and the number "0" in Column(L)("On job transfer or restriction (days)"). Instead, the employer should have placed the number of days which the employee worked with restriction or transfer in Column(L)("On job transfer or restriction (days)") or placed an check mark in column (J) ("Other Recordable Case") if in fact there was no lost time or restriction or transfer.

Date By Which Instances Must be Abated:  
Proposed Penalty:

03/16/2012  
\$ 1000.00



## Citation and Notification of Penalty

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

### Citation 2 Item 3 Type of Violation: **Other**

29 CFR 1904.7(b)(4) When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer does not accurately record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column.

Located at Exel, Incorporated, 500 North Lingle Avenue, Palmyra, PA 17078. When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer does not accurately record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column. Four instances of this violation occurred in 2008, resulting in the specific errors listed below on the OSHA 300 Log for 2008. To abate this continuing violation, when an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer in the future must ensure that it accurately records the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column.

To verify abatement of the 2008 instances of this violation, pursuant to 29 C.F.R. ' 1903.19, the employer must submit the corrected OSHA 300 Log for 2008, showing that the specific errors listed below have been corrected. Pursuant to 29 C.F.R. ' 1903.19, the employer must also submit documentation describing the steps it will take to ensure that in the future, when an injury or illness involves restricted work or job transfer but does not involve death or days away from work, the employer will accurately record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or job transfer days in the on job transfer or restriction days column.

- (a) Group Coordinator Co-Pack EDC III Line 9 - On or about Mary 23, 2008, an employee suffered work-related injury that resulted in "31" days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "31" in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").
- (b) Line Assembler Co-Pack EDC III Bagger Deck - On or a bout June 10, 2008, an employee suffered work-related injury that resulted in "143" days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "143" in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").

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



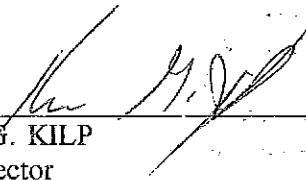
**Citation and Notification of Penalty**

**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078

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- (c) Line Assembler Co-Pack EDC III Bagger 5 - On or a bout September 3, 2008, an employee suffered work-related injury that resulted in "28" days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "28" " in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").
  
- (d) Line Assembler Co-Pack EDC III Line 10 - On or a bout November 13, 2008, an employee suffered work-related injury that resulted in "21" days of job transfer/restriction. On the OSHA 300 Log, the employer placed a check mark in Column (J)("Other Recordable Case") and the number "21" " in Column (L)("On job transfer or restriction (days)"). Instead, the employer should have placed a check mark in Column (I)("Job transfer or restriction").

Date By Which Instances Must be Abated: 03/16/2012  
Proposed Penalty: \$ 1000.00

  
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KEVIN G. KILP  
Area Director

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Progress Plaza  
49 North Progress Avenue  
Harrisburg, PA 17109  
Phone: (717)782-3902 FAX: (717)782-3746



**INVOICE/  
DEBT COLLECTION NOTICE**

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**Company Name:** Exel, Incorporated  
**Inspection Site:** 500 North Lingle Avenue, Palmyra, PA 17078  
**Issuance Date:** 02/21/2012

**Summary of Penalties for Inspection Number 315884585**

<b>Citation 1, Willful</b>	= \$	<b>280000.00</b>
<b>Citation 2, Other</b>	= \$	<b>3000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>283000.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.


OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

If a personal check is issued, it will be converted into an electric fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 2%. Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges.** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs.** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
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KEVIN G. KILP  
Area Director

2-21-2012  
\_\_\_\_\_  
Date