



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

December 30, 2022

STEMILT GROWERS LLC  
Po Box 2779  
Wenatchee, WA 98807

OSHA #: 1637526  
Inspection: 317970916  
UBI: 602994642  
Region: 05-Health  
Inspector ID: L1800  
Reference: 203411888

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 \$2,700.00
- **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 seven 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> .

**Please visit <https://www.lni.wa.gov/agency/public-disclosure/> if you would like to request a copy of the inspection file. Your choices are:**

- Safety & Health Citation Only
- Safety & Health Brief Inspector Summary Report (short description the inspector writes to summarize the reason for the inspection only – not complete file)
- Safety & Health Detailed Inspection Summary Report (detailed summary of inspection including penalty calculation only – not complete file)
- Safety & Health Citation and Complete Inspection File (The complete legal file which contains the detailed information regarding the inspector’s findings, the citation, and calculation of any penalty. This will be especially helpful if you are contemplating filing an appeal.)

**If you have questions, call the compliance supervisor, Harmony Fleming, at (509) 735-0907.**

Respectfully,

L&I Assistant Director  
Division of Occupational Safety & Health

Enclosure(s)



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

## Invoice

**Inspection: 317970916**

**UBI:** 602994642  
**Legal Name:** STEMILT GROWERS LLC  
**DBA Name:** STEMILT GROWERS LLC  
**Inspection:** 3135 Warehouse Rd,  
**Site:** Wenatchee, WA, 98801

**Issued:** December 30, 2022  
**Opening Conference:** October 6, 2022  
**Closing Conference:** December 9, 2022  
**Inspector ID:** L1800

### 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	Serious	WAC 296-800-11035	1/17/2023	\$2,700.00
1-1b	Serious	WAC 296-800-14020(1)	1/17/2023	\$0.00
<b><u>Total Penalty Due</u></b>				\$2,700.00

#### 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 317970916 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**  
**Citación por Infracción y Multa Civil**  
**Inspection: 317970916**

**UBI:** 602994642

**Issued:** December 30, 2022

**Legal Name:** STEMILT GROWERS LLC

**Opening Conference:** October 6, 2022

**DBA Name:** STEMILT GROWERS LLC

**Closing Conference:** December 9, 2022

**Inspection Site:** 3135 Warehouse Rd Wenatchee, WA 98801

**Inspector ID:** L1800

**Violation 1 Item 1a**

Violation Type: Serious

**WAC 296-800-11035**

The employer did not supervise, and enforce rules that lead to a safe and healthy work environment that is effective in practice as required by WAC 296-800-11035.

Two employees were exposed to an oxygen deficient atmosphere (of approximately 3 percent oxygen) without the use of oxygen monitors.

An oxygen deficient atmosphere can cause fatal asphyxiation.

**Correct by: 1/17/2023**  
**Assessed penalty: \$2,700.00**

**Violation 1 Item 1b**

Violation Type: Serious

**WAC 296-800-14020(1)**

The employer did not implement and enforce safety and health training programs that are effective in practice as required by WAC 296-800-14020(1).

Two employees were exposed to an oxygen deficient atmosphere (of approximately 3 percent oxygen) without the use of oxygen monitors.

An oxygen deficient atmosphere can cause fatal asphyxiation.

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: 1/17/2023**  
**Assessed penalty: Included in Violation 1 Item 1A**

## Employer Certification of Abatement Instructions Inspection: 317970916

### 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 seven 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) 735-0907

Harmony Fleming, Compliance Supervisor

Department of Labor and Industries

Dept of Labor & Industries

4310 W 24th Ave

Kennewick, WA 99338

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: 317970916

**UBI:** 602994642

**Issued:** December 30, 2022

**Legal Name:** STEMILT GROWERS LLC

**DBA Name:** STEMILT GROWERS LLC

**Site Address:** 3135 Warehouse Rd, Wenatchee, WA, 98801

**You must complete this form and return it to:** Lorena Lopez, Department of Labor & Industries  
Dept. of Labor & Industries, 1205 Ahtanum Ridge Dr Suite C,  
**UNION GAP, WA 98903**

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	Serious	WAC 296-800-11035	1/17/2023
Violation Summary: safe and healthy work environment that are effective in practice			
<b>How you corrected the hazard →</b>			
<b>Date you corrected the hazard →</b>			

1-1b	Serious	WAC 296-800-14020(1)	1/17/2023
Violation Summary: safety and health training programs that are effective in practice			
<b>How you corrected the hazard →</b>			
<b>Date you corrected the hazard →</b>			

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, personally delivered or electronically filed. If you electronically file, the Department will send an automated acknowledgement that the appeal was received. **If you do not receive acknowledgement, please ensure you have addressed it to the correct email.** You can also contact the Appeals Program at the number listed below.

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**  
Electronically to: [DOSHAppeals@Lni.wa.gov](mailto:DOSHAppeals@Lni.wa.gov)

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

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