

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-1979 FAX: (317) 233-3790



Safety Order and Notification of Penalty

To:
JBS Prepared Foods
and its successors
22402 Co Rd 45
Elkhart, IN 46516

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025

Inspection Site:
220 W Ewing Avenue
South Bend, IN 46613

The violation(s) described in this Safety Order 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.

An inspection of your workplace of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference – Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest – You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. (“Working days” means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor’s offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety

order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA at the address shown above.

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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety

order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-1979 FAX: (317) 233-3790



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 01/08/2025.

The Informal Conference will be held:

Date: _____

Time: _____

_____ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: _____

Conference ID: _____

_____ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195
Indianapolis, Indiana 46204

Meeting/Conference Room: _____

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

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 1 Item 1 a Type of Violation: **Serious**

29 CFR 1926.1101(g)(7)(i): All Class II work was not supervised by a competent person as defined in 29 CFR 1926.1101(b):

Inventory manager's office - Employees were exposed to asbestos while they removed floor tiles without benefit of a competent person to oversee work.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$4,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

Safety Order 1 Item 1 b Type of Violation: **Serious**

29 CFR 1926.1101(g)(7)(ii): Where a negative exposure assessment was not produced, or where changed job conditions indicated there may be exposure above the PEL or where the employer did not remove the ACM in a substantially intact state, the employer did not use one of the methods listed in sections (A) through (C) of this paragraph for all indoor Class II jobs, in order to ensure that airborne asbestos did not migrate from the regulated area:

Inventory manager's office - Employees were exposed to asbestos while they removed floor tiles manually without critical barriers or other isolation methods utilized.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 1 Item 2 a Type of Violation: **Serious**

29 CFR 1926.1101(g)(8)(i): For jobs removing vinyl and asphalt flooring materials which contain asbestos of for which buildings constructed no later than 1980, where the employer did not verify the absence of asbestos containing material pursuant to 29 CFR 1926.1101(g)(8)(i)(I), the employer did not ensure that employees complied with work practices described in 29 CFR 1926.1101(g)(8)(i)(A) through (g)(8)(i)(I) and that employees were trained in these practices pursuant to 29 CFR 1926.1101(k)(9):

Inventory manager's office - Employer were exposed to asbestos while they removed floor tiles manually without precautions mandated for Class II asbestos work including but not limited to, the use of wet methods.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$4,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

Safety Order 1 Item 2 b Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(i): The employer did not institute, at no cost to employees, a training program for each employee who was likely to be exposed in excess of the permissible exposure limit (PEL) and for each employee who performed Class I through IV asbestos operations:

Inventory manager's office - Employees were exposed to asbestos while they removed floor tiles manually without first being trained to perform Class II asbestos work.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

Safety Order 1 Item 3 Type of Violation: **Serious**

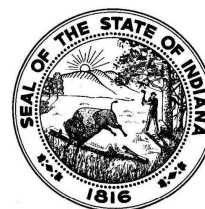
29 CFR 1926.1101(k)(2)(i): Before work subject to this standard began, the building and/or facility owner(s) did not determine the presence, location and quantity of asbestos containing material (ACM) and/or presumed asbestos containing material (PACM) at the worksite pursuant to 29 CFR 1926.1101(k)(1):

Inventory manager's office - Employer had not identified materials in the facility which may contain asbestos prior to employees being assigned to removed floor tiles which contained asbestos.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$4,000.00


Jameson Berry
IOSHA Director



INVOICE/DEBT COLLECTION NOTICE

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613
Issuance Date: 01/08/2025

Summary of Penalties for Inspection Number: 1787158

Safety Order 1 Item 1a, Serious	\$4,000.00
Safety Order 1 Item 1b, Serious	\$0.00
Safety Order 1 Item 2a, Serious	\$4,000.00
Safety Order 1 Item 2b, Serious	\$0.00
Safety Order 1 Item 3, Serious	\$4,000.00

TOTAL PROPOSED PENALTIES: \$12,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

IOSHA 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.

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.

Jameson Berry
IOSHA Director

1/8/2025

Date



ISSUED:
June 25,
2025

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

**Commissioner of Labor,
Complainant,**

v.

**JBS Prepared Foods,
Respondent.**

Administrative Case Number: DOL-2502-000658

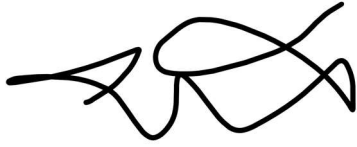
**FINAL ORDER APPROVING AGREED ENTRY, GRANTING DISMISSAL OF APPEAL,
AND VACATING DEADLINES**

On January 8, 2025, the Complainant issued a Safety Order against the Respondent. On January 30, 2025, the Respondent filed a petition for review of the Safety Order with the Board of Safety Review, which was then forwarded to the Office of Administrative Law Proceedings ("OALP"). On June 4, 2025, the Parties filed an Agreed Entry with the OALP. The Agreed Entry proposes a final settlement and modification of the Safety Order dated January 8, 2025. Subject to approval of the Agreed Entry, the Respondent also moves to withdraw its petition for review.

The undersigned ALJ has reviewed the Agreed Entry and finds that there is no evidence of fraud, coercion, duress, or any other reason not to grant the Agreed Entry. The undersigned ALJ therefore issues this order **APPROVING** the Agreed Entry, **DISMISSING** this appeal, and **VACATING** all remaining hearings and deadlines in this case.

The OALP is the Ultimate Authority for petitions for review filed with the Board of Safety Review after July 1, 2024. Therefore, this Order constitutes a final order and/or agency action by the Ultimate Authority in this case. If a party wishes to seek judicial review of this final order, it must file a petition for review in an appropriate court within 30 days of the date this Order was served. See Ind. Code § 4-21.5-5-5. Guidance for calculating deadlines may be found at Ind. Code § 4-21.5-3-2. A petition for judicial review must be served on the OALP at ualp@ualp.in.gov to ensure the Office prepares the record that will be filed in the court presiding over the judicial review.

SO ORDERED: June 25, 2025



Hon. Ernâni Magalhães
Administrative Law Judge

Distributed to Parties:

Commissioner of Labor – Complainant, by Counsel John Anthony Hardman by E-Mail at johardman@dol.in.gov, Brent Cullers at brcullers@dol.in.gov

JBS Prepared Foods, Respondent, served by counsel, via E-Mail at dbrostek@waslaw.com and aridolfo@hhlaw-in.com

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA OFFICE OF
ADMINISTRATIVE LAW PROCEEDINGS

IN THE MATTER OF:)
)
COMMISSIONER OF LABOR,)
)
 Complainant,)
)
 v.)
)
JBS PREPARED FOODS)
AND ITS SUCCESSORS,)
)
 Respondent.)

OALP CASE NO. DOL-2502-000658
BSR DOCKET NO. 25-004

AGREED ENTRY

The parties to the above-captioned proceeding, the Commissioner of the Indiana Department of Labor (hereinafter "Complainant") and JBS Prepared Foods (hereinafter "Respondent"), through their duly authorized representatives, desiring to enter into this Agreed Entry as final settlement of this matter, do hereby stipulate and agree as follows:

PART I

1. From November 8, 2024, through December 3, 2024, authorized employees of the Indiana Department of Labor conducted an inspection at the Respondent's former worksite located at 220 W. Ewing Avenue, South Bend, Indiana 46613.

2. On January 8, 2025, Complainant issued a Safety Order and Notification of Penalty (hereinafter "Safety Order") resulting from Indiana Department of Labor Inspection No. 1787158 and alleging that Respondent had violated the Indiana Occupational Safety and Health Act (IC 22-8-1.1 *et seq.*) or the standards or rules thereunder. The Safety Order is attached hereto as Exhibit A and is incorporated herein.

3. On or about January 30, 2025, Respondent duly and timely petitioned for review of the Safety Order.

PART II.

4. The Safety Order consists of Safety Order 1, Item Nos. 1a, 1b, 2a, 2b and 3.

5. Safety Order 1, Item 1a alleges a "Serious" violation of 29 CFR 1926.1101(g)(7)(i) and assesses a penalty of Four Thousand Dollars (\$4,000).

6. Safety Order 1, Item 1b alleges a "Serious" violation of 29 CFR 1926.1101(g)(7)(ii) and assesses no additional penalty to what is assessed in Item 1a.

7. Safety Order 1, Item 2a alleges a "Serious" violation of 29 CFR 1926.1101(g)(8)(i) and assesses a penalty of Four Thousand Dollars (\$4,000).

8. Safety Order 1, Item 2b alleges a "Serious" violation of 29 CFR 1926.1101(k)(9)(i) and assesses no additional penalty to what is assessed in Item 2a.

9. Safety Order 1, Item 3 alleges a "Serious" violation of 29 CFR 1926.1101(k)(2)(i) and assesses a penalty of Four Thousand Dollars (\$4,000).

10. The total assessed penalty for Safety Order 1 combined is Twelve Thousand Dollars (\$12,000).

PART III.

11. The Safety Order is hereby amended as follows.

12. Safety Order 1, Item 1a is upheld in its entirety.

13. Safety Order 1, Item 1b upheld in its entirety.

14. Safety Order 1, Item 2a is upheld in its entirety.

15. Safety Order 1, Item 2b is deleted, in its entirety.

16. Safety Order 1, Item 3 is upheld in its entirety.

17. The AGREED total penalty for all violations and all subparts thereunder, subject to this Agreed Entry is Twelve Thousand Dollars (\$12,000).

18. It is understood and agreed by the Respondent and Complainant that this Agreed Entry and attachments will constitute a final, enforceable OSHA Safety Order(s) and penalties for the purposes of the Indiana Occupational Safety and Health Act ("Act").

19. All abatement has been completed and verified. The parties have attached a statement from the Respondent regarding asbestos work as Exhibit B to complete abatement.

20. Respondent hereby withdraws its petition for review previously filed in this matter, subject to the terms of this agreed entry.

PART IV.

21. Nothing contained in this Agreed Entry shall be construed to affect Complainant's interpretation of the Act or any standard or regulation enforced pursuant thereto or the applicable classification thereof.

22. Except for this agreement, and matters arising out of this agreement and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by the Respondent shall be deemed an admission by Respondent of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings, and actions taken herein are made in order to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

23. The invalidity or unenforceability of any section, subsection, clause or provision of this Agreed Entry does not affect the remaining sections, subsections, clauses, or provisions of this Agreed Entry.

24. Respondent, upon full execution of this Agreed Entry, will post this Agreed Entry for three (3) working days or until abatement is completed, whichever period is longer, pursuant to Board of Safety Review Rules of Procedure, 615 IAC 1-2-18(b)(3)(C).

AGREED this 4th day of June 2025.

JBS PREPARED FOODS

By: Derek J. Brostek
Printed: Derek J. Brostek
Title: Counsel for JBS Prepared Foods

COMMISSIONER OF LABOR

By: Jameson Berry
Jameson Berry,
Director of Health Compliance,
IOSHA

Approved as to Form:

By: Derek J. Brostek
Derek Brostek
Counsel for Respondent

By: Brent J. Cullers
Brent J. Cullers,
Counsel for Complainant

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-1979 FAX: (317) 233-3790



Safety Order and Notification of Penalty

To:
JBS Prepared Foods
and its successors
22402 Co Rd 45
Elkhart, IN 46516

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025

Inspection Site:
220 W Ewing Avenue
South Bend, IN 46613

The violation(s) described in this Safety Order 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.

An inspection of your workplace of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference – Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest – You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. (“Working days” means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor’s offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety

order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

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 Indiana Department of Labor/IOSHA at the address shown above.

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 Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety

order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington Street, Room W195
Indianapolis, Indiana 46204
Phone: (317) 232-1979 FAX: (317) 233-3790



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the Safety Order(s) issued on 01/08/2025.

The Informal Conference will be held:

Date: _____

Time: _____

_____ **Virtually/Telephonically via Microsoft Teams**

Call-in Number: _____

Conference ID: _____

_____ **In-person at the Indiana Department of Labor, located at the following address:**

402 West Washington Street, Room W195
Indianapolis, Indiana 46204

Meeting/Conference Room: _____

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

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 1 Item 1 a Type of Violation: **Serious**

29 CFR 1926.1101(g)(7)(i): All Class II work was not supervised by a competent person as defined in 29 CFR 1926.1101(b):

Inventory manager's office - Employees were exposed to asbestos while they removed floor tiles without benefit of a competent person to oversee work.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$4,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

Safety Order 1 Item 1 b Type of Violation: **Serious**

29 CFR 1926.1101(g)(7)(ii): Where a negative exposure assessment was not produced, or where changed job conditions indicated there may be exposure above the PEL or where the employer did not remove the ACM in a substantially intact state, the employer did not use one of the methods listed in sections (A) through (C) of this paragraph for all indoor Class II jobs, in order to ensure that airborne asbestos did not migrate from the regulated area:

Inventory manager's office - Employees were exposed to asbestos while they removed floor tiles manually without critical barriers or other isolation methods utilized.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 1 Item 2 a Type of Violation: **Serious**

29 CFR 1926.1101(g)(8)(i): For jobs removing vinyl and asphalt flooring materials which contain asbestos of for which buildings constructed no later than 1980, where the employer did not verify the absence of asbestos containing material pursuant to 29 CFR 1926.1101(g)(8)(i)(I), the employer did not ensure that employees complied with work practices described in 29 CFR 1926.1101(g)(8)(i)(A) through (g)(8)(i)(I) and that employees were trained in these practices pursuant to 29 CFR 1926.1101(k)(9):

Inventory manager's office - Employer were exposed to asbestos while they removed floor tiles manually without precautions mandated for Class II asbestos work including but not limited to, the use of wet methods.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$4,000.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

Safety Order 1 Item 2 b Type of Violation: **Serious**

29 CFR 1926.1101(k)(9)(i): The employer did not institute, at no cost to employees, a training program for each employee who was likely to be exposed in excess of the permissible exposure limit (PEL) and for each employee who performed Class I through IV asbestos operations:

Inventory manager's office - Employees were exposed to asbestos while they removed floor tiles manually without first being trained to perform Class II asbestos work.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1787158
CSHO ID: K9073
Optional Report No.: 24-24
Inspection Date(s): 11/08/2024 - 12/03/2024
Issuance Date: 01/08/2025



Safety Order and Notification of Penalty

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613

Safety Order 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.1101(k)(2)(i): Before work subject to this standard began, the building and/or facility owner(s) did not determine the presence, location and quantity of asbestos containing material (ACM) and/or presumed asbestos containing material (PACM) at the worksite pursuant to 29 CFR 1926.1101(k)(1):

Inventory manager's office - Employer had not identified materials in the facility which may contain asbestos prior to employees being assigned to removed floor tiles which contained asbestos.

Date By Which Violation Must be Abated:
Proposed Penalty:

February 03, 2025
\$4,000.00


Jameson Berry
IOSHA Director



INVOICE/DEBT COLLECTION NOTICE

Company Name: JBS Prepared Foods
Inspection Site: 220 W Ewing Avenue, South Bend, IN 46613
Issuance Date: 01/08/2025

Summary of Penalties for Inspection Number: 1787158

Safety Order 1 Item 1a, Serious	\$4,000.00
Safety Order 1 Item 1b, Serious	\$0.00
Safety Order 1 Item 2a, Serious	\$4,000.00
Safety Order 1 Item 2b, Serious	\$0.00
Safety Order 1 Item 3, Serious	\$4,000.00

TOTAL PROPOSED PENALTIES: \$12,000.00

Penalties are due within fifteen (15) working days of receipt of this notification unless requested. Make your check or money order payable to: "Indiana DOL/IOSHA." Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

IOSHA 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.

Corrective action taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A worksheet has been provided to assist in providing the required abatement information. A completed copy of this worksheet should be posted at the worksite with safety orders.

Jameson Berry
IOSHA Director

1/8/2025

Date



EXHIBIT B

JBS Prepared Foods understands the requirements for work regarding asbestos containing materials. For any future work that requires compliance with OSHA's asbestos standards, JBS Prepared Foods will use a qualified contractor and/or if JBS Prepared Foods employees are involved, make good faith efforts to comply with the applicable OSHA asbestos regulations regarding asbestos work.

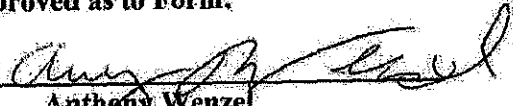
JBS PREPARED FOODS

By: /s/ Anthony Wenzel

Printed: Anthony Wenzel

Title: Regional Health and Safety Manager

Approved as to Form:

By: 
Anthony Wenzel
Regional Health and Safety Manager
JBS Prepared Foods