

U.S. Department of Labor

Occupational Safety and Health Administration
Appleton Area Office
1648 Tri Park Way
Appleton, WI 54914



April 16, 2020

Christine Neumann-Ortiz
1027 S. 5th Street
Milwaukee, WI 53204

RE: OSHA Complaint No. 1572381

Dear Ms. Neumann-Ortiz:

In response to your non-formal complaint of safety and/or health hazards, the Occupational Safety and Health Administration (OSHA) has contacted American Foods Group, LLC and requested that appropriate action be taken to correct the situation. Enclosed is a copy of that letter for your information. As the letter indicates, the employer has been given five (5) business days to correct the hazards. Please notify me if no correction has been made within five (5) business days. We have not revealed your identity to the employer. When we receive additional information from the employer, we will notify you of the response.

Section 11(c) of the Occupational Safety and Health Act protects employees from being discriminated against because of their involvement in protected activities related to safety and health. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as possible because OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action. Please feel free to contact the office at (920) 734-4521 if you have any questions or concerns.

Your action on behalf of safety and health in the workplace is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Robert J. Bonack".

Robert J. Bonack
Area Director

Enclosure(s)



April 16, 2020

Jeff Bowers
American Foods Group, LLC
500 S. Washington Street
Green Bay, WI 54301

RE: OSHA Complaint No. 1572381

Dear Mr. Bowers:

On April 16, 2020, the Occupational Safety and Health Administration (OSHA) received a notice of alleged workplace hazard(s) at your worksite at:

500 S. Washington Street
Green Bay, WI 54301

We notified you by telephone of these alleged hazards on April 16, 2020. The specific nature of the alleged hazards is as follows:

The employer is not following recommended practices to protect employees from SARS-CoV-2, which causes the Coronavirus Disease 2019 (COVID-19). Alleged hazards including not following recommended practices such as, but not limited to the following:

1. The employer has not provide masks or face coverings for all workers.
2. The employer has not ensured that there is 6 feet of distance between employees in all departments and production. For example, in the hamburger patty area.
3. The employer has not checked the temperature of all workers coming into the plant.
4. The employer has not informed employees when or where there was a positive case of coronavirus so that co-workers can self-quarantine for 14 days when they are symptomatic to avoid exposing others.

We have not determined whether the hazards, as alleged, exist at your workplace, and we do not intend to conduct an inspection at this time. However, because allegations of violations and/or hazards have been made, we request that you immediately investigate the alleged conditions and make any necessary corrections or modifications. Please advise me in writing, no later than **April 23, 2020**, of the results of your investigation. You must provide supporting documentation of your findings. This includes any applicable measurements or monitoring results; photographs/video that you believe would be helpful; and a description of any corrective action you have taken or are in the process of taking, including documentation of the corrected condition. Please feel free to contact the office at (920) 734-4521 if you have any questions or concerns.

This letter is not a citation or a notification of proposed penalty which, according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. It is our goal to assure that hazards are promptly identified and eliminated. Please take immediate corrective action where needed. **If we do not receive a response from you by April 23, 2020 indicating that appropriate action has been taken or that no hazard exists and why, an OSHA inspection will be conducted.** An inspection may include a review of the following: injury and illness records, hazard communication, personal protective equipment, emergency action or response, bloodborne pathogens, confined space entry, lockout/tagout, and related safety and health issues.

Please also be aware that OSHA conducts random inspections to verify that corrective actions asserted by the employer have actually been taken.

If you need assistance in resolving the issues alleged in this complaint, you may contact the OSHA on-site consultation service. This program offers free and confidential assistance to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. If necessary, a consultant will visit your workplace and assess the validity of the complaint item(s). In addition, you will be provided with methods of correcting the hazard, where applicable. To discuss or request these services, contact the consultation project in your respective state. The addresses and telephone numbers may be found by entering your state in the form at the OSHA Consultation Directory website: http://www.osha.gov/dcsp/smallbusiness/consult_directory.html

You are requested to post a copy of this letter where it will be readily accessible for review by all of your employees, and to return a copy of the signed Certificate of Posting (Attachment A) to this office. In addition, you are requested to provide a copy of this letter and your response to a representative of any recognized employee union or safety committee that exist at your facility. Failure to do this may result in an on-site inspection. The complainant has been furnished a copy of this letter and will be advised of your response. Section 11(c) of the Occupational Safety and Health Act provides protection for employees against discrimination because of their involvement in protected safety and health activity.

If you have any questions regarding this matter, please contact our office. The contact information is listed on the first page of this document. Your interest in the safety and health of your employees is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Bonack", with a long, sweeping underline that extends to the right.

for
Robert J. Bonack
Area Director

Attachment A

**CERTIFICATE OF POSTING
OSHA NOTIFICATION OF ALLEGED HAZARD(S)**

Employer Name: American Foods Group, LLC
Complaint Number: 1572362

Date of Posting: _____

Date Copy Given to an Employee Representative: _____

On behalf of the employer, I certify that, on _____, a copy of the complaint letter received from the Occupational Safety and Health Administration (OSHA) was posted in a place where it is readily accessible for review by all employees, or near such location where the violation occurred, and such notice has been given to each authorized representative of affected employees, if any. This notice was or will be posted for a minimum of ten (10) days or until the hazardous conditions referenced in the letter are corrected.

Signature

Title
