

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,)	OSHRC DOCKET NO.
)	
Complainant,)	
)	
v.)	
)	
GOLD KIST INC.,)	REGION IV
)	
Respondent.)	<u>COMPLAINT</u>

This action is brought to affirm the Citations issued under the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, et seq., hereinafter the Act, for violations of § 5(a) of the Act and the Safety and Health Regulations promulgated thereunder.

I

Jurisdiction of this action is conferred upon the Commission by § 10(c) of the Act.

II

Respondent, Gold Kist Inc., is an employer engaged in a business affecting commerce within the meaning of § 3(5) of the Act.

III

The principal place of business of Respondent is at 2044 Perimeter Center Parkway, NE Atlanta, Georgia. Respondent had a place of employment at 2045 County Road 244, Russellville,

Alabama where it was engaged in the processing of poultry as of the date of the alleged violations.

IV

The violations occurred during a period from February 15, 2006 through August 8, 2006, at 2045 County Road 244, Russellville, Alabama (hereinafter "workplace").

V

As a result of an inspection at said workplace by an authorized representative of the Complainant, Respondent was issued three citations pursuant to § 9(a) of the Act.

VI

The citations, copies of which are attached hereto and made a part hereof as Exhibit A (consisting of 20 pages) identify and describe the specific violations alleged, the corresponding abatement date fixed, and the penalties proposed.

VII

On or about September 5, 2006, by a document dated August 31, 2006, the Complainant received notification, pursuant to § 10(c) of the Act, of Respondent's intention to contest the aforesaid citations.

VIII

The penalties proposed, as set forth in Exhibit A are appropriate within the meaning of § 17(j) of the Act. The abatement dates fixed were and are reasonable.

WHEREFORE, cause having been shown, Complainant prays for an Order affirming the Citations and Notification of Penalties, as aforesaid.

ADDRESS:

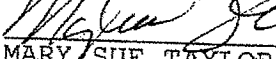
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SOL Case No. 040206/09006

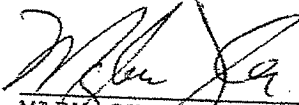
CERTIFICATE OF SERVICE

I certify that the foregoing Complaint and Notice of Answer Requirement were served this 29th day of September, 2006, by mailing true copies thereof, by certified mail to:

David R. Wylie, Esquire
Jackson Lewis, LLP
One Liberty Square
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Greenville, South Carolina 29601

Michael P. Thompson
Director, Safety and Health
Gold Kist Inc.
244 Perimeter Center Parkway, NE
Atlanta, Georgia 30346

and by regular mail: Roberto Sanchez
Area Director
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