

## Health Narrative Without Sampling Inspection

### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION: OSHA 1A

**Company Name:** 5280 Productions LLC **DBA** 5280 Staffing Solutions **(5280)**

**Concurrent inspections (Multi-Employer):** Morning Fresh Farms LLC. (1768321. Multi-Employer). (MF) Atlas Staffing and Labor Services, Inc. (Atlas), Express Services Inc. (Express) & 5280 Productions LLC. (5280). MF is the site controlling employer, the rest are contractors who had employees at the site at the time of the incident.

**Inspection Numbers:** 1761995 (MF), 1773174 (Express), 1773083 (5280) & 1773457 (Atlas)

**Complaint Number:** N/A

**Type of Business:** Chicken Egg Production

**Number of Employees:** 17

**Union:** N/A

**CSHO PPE:** Safety shoes, Tyvek, booties, nitrile gloves, full face respirator.

**Related Inspections:** 1773083 (5280 Productions LLC **DBA** 5280 Staffing Solutions), 1773174 (Express Services Inc.) & 1773457 (Atlas Staffing and Labor Services, Inc.). Note all other inspections noted are for employers who had employees contracted to MF during the time of the bird flu incident.

**Site Address:** 15121 County Road 32

PLATTEVILLE, CO 80651

**Date of Opening:** Initial opening with MF occurred on August 13, 2024.

#### Legal Entity:

Corporation	X	General Industry	X
Partnership		Construction	
Sole Proprietor			
Non-Profit		Unknown	

#### Employer Representatives Contacted:

NAME	TITLE	OPENING CONFERENCE	CLOSING CONFERENCE	WALK AROUND	CREDENTIALS PRESENTED
Vince Tessandori	General Manager	YES	YES	YES	YES
Tim Keul	Sr. Manager of Safety	YES	YES	YES	YES
Brad Walls	Director of Safety	YES	YES	YES	YES

Table 1

**Interstate Commerce:** Morning Fresh Farms LLC (MF) was engaged in business affecting commerce and was an employer within the meaning of section 3(5) of the Act. The employer is engaged in Interstate Commerce in that they obtain chicks from various states.

Atlas was engaged in business affecting commerce and was an employer within the meaning of section 3(5) of the Act. The employer is engaged in Interstate Commerce in that they are headquartered in Iowa and contracting labor in Colorado.

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Express was engaged in business affecting commerce and was an employer within the meaning of section 3(5) of the Act. The employer is engaged in Interstate Commerce in that they are a franchise of a labor organization which operates in various states including Tennessee and Kentucky.

5280 was engaged in business affecting commerce and was an employer within the meaning of section 3(5) of the Act. The employer is engaged in Interstate Commerce in that they operate offices in Colorado and Nevada.

**Nature/Scope of Inspection:** The nature of the inspection was due to a media referral and the scope of the inspection was partial.

Complaint		LEP	
Referral Items	X	REP	
Planned Inspection		NEP	
Accident Investigation			

**Unusual Circumstances:**

Denial of entry		Strikes	
Delays in inspection		Trade Secrets	
Jurisdictional Issues		None	X

**Opening & Closing conferences with 5280:**

The opening conference for 5280 was held by virtually CSHO (b) (7)(C) on September 4, 2024 at 0930 with Olga Patron, director of operations. All questions answered and the opening conference was concluded.

A preliminary standard closing conference for 5280 was held with on September 4, 2024 at 1030 with Olga Patron, director of operations. It was explained that a document request would be sent via email to the employer and that employee interviews will be conducted virtually as well. The employer agreed. OSHA stated that another closing conference would be held at the conclusion of investigation.

**Opening & Closing conferences with Atlas:**

The opening conference for Atlas was held by virtually CSHO (b) (7)(C) on September 5, 2024 with Aaron Garcia, the owner of the company. All questions answered and the opening conference was concluded.

A preliminary standard closing conference for Atlas was held with Aaron Garcia, the owner of the company on September 5, 2024 at 1000. It was explained that a document request would be

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sent via email to the employer and that employee interviews will be conducted virtually as well. The employer agreed. OSHA stated that another closing conference would be held at the conclusion of investigation.

### Opening & Closing conferences with Express:

The opening conference for Atlas was held by virtually CSHO (b) (7)(C) on September 4, 2024 at 1400 with Kathy Egan, the owner of the franchise. All questions answered and the opening conference was concluded.

A preliminary standard closing conference for Express was held with Kathy Egan, the owner of the franchise on September 4, 2024 at 1500. It was explained that a document request would be sent via email to the employer and that employee interviews will be conducted virtually as well. The employer agreed. OSHA stated that another closing conference would be held at the conclusion of investigation.

### Opening Conferences MF:

Initial opening with MF occurred on August 13, 2024, at 1200. This opening conference was conducted virtually over the phone with all employer representatives listed in *Table 1*. Among other pertinent information, this initial opening conference was necessary to establish a time and procedures for CSHOs to make a site visit. It was agreed upon during this conversation that a site visit would occur on August 16, 2024 at around 0830 in the morning. On August 16, 2024 at 0915 CSHOs entered the site for inspection. At 0920 that morning CSHOs conducted a second opening conference with all employer representatives list in *Table 1*. Information obtained during these opening conferences is noted below.

- Site had employees during the incident which included themselves, 2 temp companies and 3 contractors. (6 employers total). We are working now to get EE and mgmt contact info for all companies involved. Temps: Express and 5280. Contractors: Triple J, Atlas and Torus. Temps can become FTE within 90 days. When temps become FTE they are required to retake all new employee training.
- Current ER has owned the site for approximately 8 months, starting week 52 of 2023. Previous Company *Morning Fresh LLC* was purchased and rebranded as *Morning Fresh Eggs Inc.* (MF). MF is a subsidiary of *Versova*.
- Site has no union affiliation.
- CDPHE was onsite starting 7/16/2024. Conducted onsite testing for workers on a voluntary basis for ~ two weeks. Reported to MF that the site had 4 presumptive tests for Bird Flu (BF) and 7 for COVID-19.
- 1.2 million (all) birds on site had been culled between 7/15 and 7/21 at the direction of the USDA. Birds did not show any symptoms (Sx) other than increased mortality.
- USDA was on site at the time of the inspection and had a MCS on site that was no longer in use. No contact between USDA and OSHA was made. ER reps did not convey any wish or requirement for the CSHOs to contact USDA while on site.
- No personnel were recognized to have BF Sx during the time of the incident.
- Site is used for egg production only.

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- PPE is company provided includes: barn clothing, shoes, gloves, and glasses. Dust masks are available on a voluntary bases, App. D not presented to EEs.
- MF has an emergency response plan which includes, BR outbreaks.
- Facility attempts to keep the barn 25 at ~72F, using 9 fans located in 3 sections along the south side of the building and intake which runs about ½ up the side of the barn, and along the totality of its length on both the North and South sides. CSHOs working to determine fan sizes and air exchange rates.
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### Observations/Narrative/Photos of Hazards:

During the walkaround inspection it was determined that a drone flight would be unnecessary because all parts of the outside of the barn could be seen without the use of a drone.

- Inspection was limited to the Barn 25, the barn with the suspicion of BF. No plain view hazards were recognized.

Of particular interest during the walkaround **Unprompted** Mr. Keul had reported that Opal Foods had called them to inform them of Opal's outbreak and to be weary of a similar incident happening at MF.



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Image of the over all facility obtained from Google Earth. Note view is with North toward the top.

(<https://earth.google.com/web/search/15121+County+Road+32+PLATTEVILLE,+CO+80651/@40.2244482,->

[104.7601122,1489.31394418a,3505.78397366d,35y,0h,0t,0r/data=CpkBGmsSZQolMHg4NzZjMWJjNjAzOGFlZDc5OjB4NjE1ZDVhNWRhOTY4OTZjYxIjR5oBRxEQCGlXCvrSDFawCoqMTUxMjEgQ291bnR5IFJvYWQgMzIgUExBVFRFVklMTEUsIENPIDgwNjUxGAIgASImCiQJnkhATpYzNEARnUhATpYzNMAZ\\_xLMCMLAQUAhIXDoRHPMUMBCAggBSg0I\\_\\_\\_\\_\\_ARAA](https://earth.google.com/web/search/15121+County+Road+32+PLATTEVILLE,+CO+80651/@40.2244482,-104.7601122,1489.31394418a,3505.78397366d,35y,0h,0t,0r/data=CpkBGmsSZQolMHg4NzZjMWJjNjAzOGFlZDc5OjB4NjE1ZDVhNWRhOTY4OTZjYxIjR5oBRxEQCGlXCvrSDFawCoqMTUxMjEgQ291bnR5IFJvYWQgMzIgUExBVFRFVklMTEUsIENPIDgwNjUxGAIgASImCiQJnkhATpYzNEARnUhATpYzNMAZ_xLMCMLAQUAhIXDoRHPMUMBCAggBSg0I_____ARAA)).

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Screen shot of Goole Earth image showing the approximate location of Barn 25, denoted with blue pin.

## Health Narrative Without Sampling Inspection



*IMG\_1397* showing the entrance to barn 25 on the west side of the building.



## Health Narrative Without Sampling Inspection



*IMG\_1393* showing the entrance to barn 25 on the west side of the building.

## Health Narrative Without Sampling Inspection



*Img\_1394* showing the condition of the inside of barn 25 from the west side entrance.

## Health Narrative Without Sampling Inspection



*Img\_1395* showing the condition of the inside of barn 25 from the west side entrance.

## Health Narrative Without Sampling Inspection



*Img\_1405* showing the enterance of barn 25 from the east side.



## Health Narrative Without Sampling Inspection



*IMG\_1403* showing the ventilation fans for barn 25 on the north side of the building. (Note there are not ventilation fans on the south side of the building).



## Health Narrative Without Sampling Inspection



*IMG\_1403* showing the ventilation intake for barn 25 on the north side of the building.

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*IMG\_1398* showing the ventilation intake for barn 25 on the south side of the building.

### **OSHA 300's:**

Employer representative indicated during opening conference that they delegate the OSHA log keeping to the employers for which they hire.

### **Other Employer Issues:**

Penalty reductions were determined as follows:

**SIZE-** 17 employees; 11-25 Employees 60% reduction.

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**GOOD FAITH-** Recommended for a 0% reduction as it does not have a health and safety management system.

**HISTORY-** 0% modification for employers who have not been inspected or inspected and cited no High Gravity Serious violations in prior five years.

### Closing Conference:

A standard closing conference for site controlling employer was held with all representatives listed in Table 1., on site at the conclusion of the walkaround. It was explained to them that citations were not recommended for the hazards as well as their rights after an OSHA inspection.

### Closing Checklist:

No Violations \_\_X\_\_

### Comments:

CSHO Signature:	(b) (7)(C)	Date: November 12, 2024
Accompanied By	(b) (7)(C)	