

## In Compliance Inspection

# OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION: OSHA 1A

**Company Name:** Opal Foods, LLC (Opal) & D&H Poultry (D&H)

**Inspection Number:** 1761949 (Opal) 1761995 (D&H)

**UPA Number:** 2187365

**PPE:** Safety shoes, Tyvek, booties, nitrile gloves, full face respirator (Wortman), goggles and ½ respirator (Dolph).

**Site Address:** 9575 Weld Co Rd 73, ROGGEN, CO 80652

### Legal Entity:

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

**Nature/Scope of Inspection:** This inspection is the result of a media referral with the OSHA office. The scope was partial. The inspection was opened due to the H5N1 (Avian Influenza) outbreak at a facility.

**Interstate Commerce:** Opal Foods, LLC 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 import chickens into Colorado from multiple states, including Iowa and Mississippi.

### Preliminary Opening & Closing Conferences for Opal:

On July 16, 2024 at 11:45 AM AAD (b) (7)(C) conducted an initial opening conference with Marcus Blanton (Safety Manager), Travis Decambre (Production Manager), and Greg Demble (Process Manager) via phone call. All questions answered and the opening conference was concluded. At this time it was unknown if a site visit was to be conducted.

A preliminary standard closing conference was over conducted over the phone by AAD (b) (7)(C) with Marcus Blanton (Safety Manager), Travis Decambre (Production Manager), and Greg Demble (Process Manager), on July 16, 2024 at 12:00 PM. It was explained that a document request would be sent via email to the employer and that employee interviews would be conducted virtually as well. The employer agreed. OSHA stated that another closing conference would be held at the conclusion of investigation.

A preliminary standard closing conference was held over the phone by AAD (b) (7)(C) with Jake Huifenga (Owner) on July 16, 2024 at 2:15 PM.. 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.

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### **Opening & Closing Conferences for D&H:**

The opening conference was held by AAD (b) (7)(C) with Jake Huifenga (Owner) on July 16, 2024 at 2:00 PM. All questions answered and the opening conference was concluded.

A preliminary standard closing conference was held with Jake Huifenga (Owner) on July 16, 2024 at 2:15 PM.. 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.

### **Site Visit Coordination, Site Visit and Additional Opening Conference with Opal:**

On Monday (7/22) CSHO (b) (7)(C) spoke over the phone Marcus Blanton, the corporate safety officer for the company and arranged to meet with him on Wednesday (7/24) at 0800. During this conversation it was explained to Mr. Blanton that a drone would be used to survey the building in question (Barn 3) both outside and inside. Mr. Blanton informed CSHO that the building was large enough to operate a drone in.

On the morning July 24, 2024 CSHO (b) (7)(C) met with CSHO (b) (7)(C) at DAO at 0600. To gather supplies, acquire a g-car and prepare for the onsite inspection. While gathering supplies it was decided amongst CSHOs and AAD that a stop along the way to purchase booties and heavy-duty trash bags was prudent. CSHOs stopped by a Lowes Hardware store along the way where the additional supplies were purchased using CSHO (b) (7)(C) personal credit card. Upon returning to the government vehicle, Mr. Blanton was called to inform him that we had been delayed and that he should expect us between 0845-0900. Mr. Blanton was very understanding, patient and cooperative.

We arrived on site at approximately 0845. Navigation system led us to a small (auxiliary) parking lot with on the east side of the property. A simple chain link fence with a gap of about 6 feet separated the parking lot from the rest of the facilities grounds. Located at the gap of the fence sat a foldable table running perpendicular to the fence. Sitting on the table were multiple cans of Lysol. Upon entering the parking lot CSHOs noticed two individuals in Tyvek (or similar suits) with respirators walking towards them from the south west in the vicinity of Barn 2). As the individuals approached the vehicle, CSHOs presented their credentials and introduced themselves. One of the individuals introduced himself as Mr. Blanton. The other was Travis Declome, the facility manager. After initial introductions, Mr. Blanton directed CSHOs to proceed south down County Rd 73 to the main entrance (roughly 1,000 ft away), to check in with the facilities security. ER representatives told CSHOs they would meet them there. We arrived at the main gate, via the G-car, and waited a few minutes for ER reps (as they were on foot). When all parties were present (b) (7)(C) informed the security guard that he was welcome to sign us in himself, but due to OSHA guidelines we would not sign any forms on site. No objection was raised by any parties all privy to the conversation. All parties then returned to the original meeting site.

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At the original meeting site CHSOs conducted an opening conference with both ER reps. Information garnered from the opening conference which are germane to this report include:

- Travis informing CSHOs that he had worked at the site for approximately 2 years. In that time he stated that he had experienced 2 avian flu outbreaks. 1 in July of 2022 and another in December of 2022.
  - o Of particular interest Travis stated that this incident differed from the previous in TWO important ways.
    - ▢ One, the previous incidents DID NOT have any suspected human infections.
    - ▢ Second, poultry in this incident did not display common symptoms (Sx) associated with avian flu, but were dying in suddenly and in concerning numbers. (0.06%/ week mortality is nominal. At 3x this number, advisement calls are made to Maggie Baldwin the state veterinarian.
- During the opening conference ER reps stated that they had not received any positive OR negative results from any tested EEs.
- Concerns about flying the drone due to the sensitive nature of the incident and the potential leakage of sensitive company identifying information. Company COO Tim Adams was phoned into the conversation. Concerns were assuaged and permission was granted to conduct drone operations verbally.
  - o Concerning drone operations, ER reps notified CSHOs during the opening that it may not be feasible to fly the drone throughout the barn due to the existence of partitioners inside. During the walkaround it became apparent that the only feasible use for the drone would be on the outside of the building as there was no way to safely get the drone into Barn 3. The only visual inspection of the inside of the Barn 3 was conducted through the louvers on the east side of the building.
- Only personnel on site were Opal EEs (~30) and G&H Services EE's (~30). It was confirmed that there was no live poultry on site, that the culling and burying process had been completed, and that the only ongoing operations were cleaning and disinfecting of ALL barns.

At the conclusion of the opening conference CSHOs donned all PPE, including Tyvek (or similar) suits, booties, gloves, and respiratory/ eye protection (full face respirator for (b) (7)(C) ½ face respirator with goggles for (b) (7)(C). Having donned PPE, CSHOs followed ER reps to Barn 3 (approximately 100 feet west of parking lot). Drone was launched with (b) (7)(C) as pilot and (b) (7)(C) as VO. Video was shot of the east side of the barn as well as the roof of the barn. Drone was safely returned and landed. Following the drone flight CSHOs returned to the decon station on the west side of the fence to decontaminate drone and associated equipment, which was then moved to the clean side (east side) of the fence. At this time a heat break was taken. (b) (7)(C) removed his PPE (Tyvek, gloves, booties placed in receptacle at decon station for burial on site), mask, boots and hands sanitized. (b) (7)(C) proceeded to the G-car for water, rest and shade. (b) (7)(C) elected to remain on the dirty side in PPE.

After sanitation and heat break, CSHO (b) (7)(C) re-donned PPE and proceeded to continue to inspection with (b) (7)(C) and ER reps. New Tyvek and booties were utilized, as the previous had been discarded in accordance with safe practices and site procedures. As all barns are connected in such a way that there is no way to proceed between them, inspection party walked

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to the northern most reach of the barns, proceeded west to the back side (air discharge side) of the barns and continued to Barn 3. Here fans were observed (40 X 52"). Photos were taken and questions were answered. The party then proceeded back to the decon station following the same path. Decon procedures similar to the previously stated were followed. CSHOs returned to the clean side of the grounds, ER reps on the dirty side. In this condition an initial closing conference was held. Items included observations as well as standard closing conference material.

After inspection CSHOs were informed of some confusion surrounding the requirement to check in at the Dept. of Agriculture's mobile command site (MCS). To this I will state the following:

- 1. During multiple calls to arrange a site visit, inform the ER rep of a late arrival, and to assuage the concerns of drone flight no ER rep mentioned the requirement to check in at a MCS.
- 2. No signage indicating the requirement to sign in at an MCS was observed at either entrance (main or auxiliary parking lot).
- 3. The parking lot where CSHOs originally entered the facility grounds, and subsequently parked & stationed for the inspection was the location given by navigation software. This parking lot did not control access in any significant way. I.e. No personnel were stationed in this lot, there was a break in the fence (not a gate or device to prohibit any individual from entering the site).
- 4. Prior to CSHO arrival on site, no agencies contacted CSHOs to inform them of the need to check in at a MCS.

CSHOs were willing to sign into an MCS, however we did not because we had no indication that we needed to do so, how/ where/ with whom to do so, that there was an MCS on site or nearby.



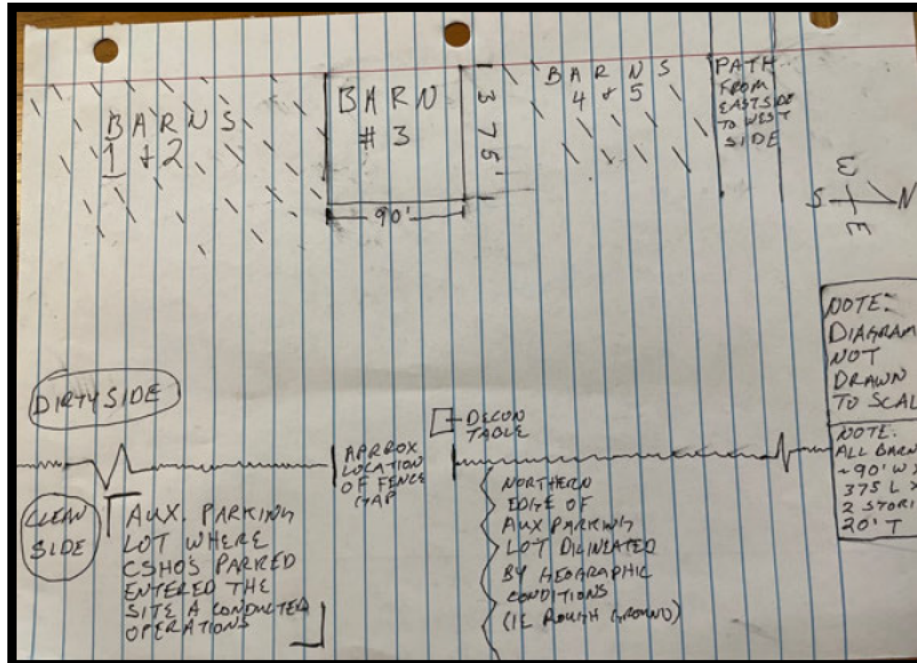
*Img\_1322* showing the condition of the main gate at the time of site visit.



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Img\_1323 showing the condition of the main gate at the time of site visit.



Above: Diagram for clarification of the site layout. Drawing IS NOT to scale. All barns measure ~90' W X 375' L X 2 stories of 20' H. See *Diagram 1* under field notes section of case file.

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Above: Birds eye view of the facility with arrow drawn by Mr. Blanton to show the location of barn 3. See picture in employer provided documentation emails.



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Wide view of the east side of barn 3 taken from the auxiliary parking lot. See *Img\_1325* under electronic media.



Screen shot from done footage, *S1002246*, taken at 01:56 showing the louvers on the east side of Barn 3.



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Screen shot from drone footage, *S1002246*, taken at 04:39 showing the roof of Barn 3.



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*IMG\_1332* showing the condition of louvers on the east side of Barn 3.

Additional images showing the condition of louvers on Barn 3 include, *IMG\_...*

- 1327
- 1328
- 1329
- 1330
- 1331
- 1326 (video)

**Information gathered from interviews with Opal Employees:**

(b) (6), (b) (7)(C), (b) (7)(D)



**Closing Checklist:**

Encourage Informal Conference   X  

No Violations   X

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**Employer Rights** \_\_X\_\_  
**Reviewed Hazards and Standards** \_\_X\_\_  
**Offered Abatement Assistance** \_\_X\_\_  
**Discussed Consultation** \_\_X\_\_

### Comments:

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

## U.S. Department of Labor – Occupational Safety and Health Administration

### Inspection Report

November 14, 2024 10:42 AM

RID	CSHO ID	Supervisor ID	Inspection Number	Optional Report Number	Case Closed Date
0830500	(b) (7)(C)		1761995		

Establishment Name		D&H Poultry Service, Inc.		Doing Business As (DBA)			
Ownership Type	Private Sector	Type of Business	Corporation	Primary NAICS		112310 - Chicken Egg Production	
Site Address	9575 Weld Co Rd 73  Roggen, CO 80652	Site Phone		Extn		Site FAX	
Business Address	103 5th Street  Sibley, IA 51249	Business Phone		Business FAX			
Mailing Address	103 5th Street  Sibley, IA 51249	E-mail		Mobile Phone		USA	
Site Activity	Egg Processing	Site NAICS	112310			Days on Site	1
Federal EIN	270112849	DUNS		Temporary or Fixed Site?		N	
State Estab Id		DUNS plus4		CAGE Code			
Construction Type							

Parent Company Legal Name			Parent Company Trade Name/DBA		
Parent Company Address		Phone Number		Extn	
TIN / EIN			DUNS		
CAGE Code			DUNS plus4		

Entry	07/16/2024	02:00 PM	First Closing Conference	07/16/2024	02:15 PM
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Opening Conference	07/16/2024	02:00 PM	Second Closing Conference		
Walk Around	07/16/2024	02:00 PM	Exit	07/16/2024	02:30 PM

Inspection Initiating Type	Unprogrammed Related	Secondary Type	
Other Initiating Type		Inspection Category	Health
Scope of Inspection	Partial	Reason No Inspection	
Migrant Farm Worker	N	Expln. for No Insp.	
State Strategic Initiatives			
National Emphasis			
State/Local Emphasis			
Primary Emphasis			

Additional Codes			
Type	ID	Value	Description

		Employment Information			
Employed in Establishment	(b) (4)	Walkaround?	N	Advance Notice?	N
Covered By Inspection		Interviewed?	Y	Flag for Follow-up	N
Controlled By Employer		Union?	N	Reason for Follow-up	
Is this Company a current federal contractor?		N			
Walk Around Participant(s)		None			
Other Walk Around Participant(s)					

Related UPA		
Activity Number	Activity Type	Establishment Name

Related Inspections		
Inspection Number	Related Inspection Type	Establishment Name

1761949	Multi-Employer	Opal Foods, LLC
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Additional Inspection Information				
SVEP Case?	Post Citation SVEP Action		Post Citation SVEP Action Date	Is this inspection related to a previous SVEP inspection?
N				N
Were Enhanced Settlement Provisions Used?		Did the company implement a SHMS program?		Litigation Hold
				N
Does inspection include imminent danger action?	Notice of Alleged Imminent Danger not posted		Employer Refused to eliminate Imminent Danger situation; Notice of Alleged Imminent Danger notice posted	Date Imminent Danger Notice Posted
N				
Was language Interpretation required during this inspection?	How was the interpretation provided?	Other Interpretation	In what language(s) was the interpretation provided?	Other Language
N				

Employer Representatives Contacted						
Name	Jake Huifenga	Job Title	Owner	Occupation	Owner	
Address	IA			Interviewed?	Y	
Home		Mobile		Work		Extn
Email			Participation		Credentials, Opening Conference, Closing Conference, Walk Around	
Employer Representatives Contacted						
Name	Brian Mouw	Job Title	HR representative	Occupation	HR representative	

Address		Interviewed?		Y
Home		Mobile		
		Work		
Email	brian@dhpoultry.com		Participation	
Employees Contacted				

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)





Penalty Adjustment Factors			
Size Reduction	10%	Size Justification	System set it to 10% based on the number of employees controlled.
Good Faith Reduction	0%	Good Faith Justification	Company has a health and safety program which has substantial deficiencies.
History Reduction	0 %	History Justification	No inspections of record for previous 5 years.

Denial of Entry			
Denial Date/Time	Stage	Reason	Re-entry Date/Time