

U.S. Department of Labor

Occupational Safety and Health Administration
55 North Robinson Avenue, Suite 315
Oklahoma City, OK 73102-9237
Telephone: 405-278-9560
Facsimile: 405-278-9572
Reply to the Attention of Area Director



March 31, 2014

People for the Ethical Treatment of Animals
c/o Delcianna Winders
1536 16th St. N.W.
Washington, DC 20036

RE: The Garold Wayne Interactive Zoological Foundation, OSHA Complaint No. 952924

Ms. Winders:

In response to your complaint concerning hazards at **The Garold Wayne Interactive Zoological Foundation**, located at 25803 North County Road 3250, Wynnewood, Oklahoma, 73098, the Occupational Safety and Health Administration (OSHA) conducted an inspection there. That inspection was begun on December 20, 2013.

The results of our investigation of your complaint items are as follows:

Complaint Item (1): Employees are not protected from injury by exotic animals by not having minimum distance requirements and permanent physical barriers in place between workers and animals.

Findings: At the time of the inspection, the employer houses exotic animals such as bears and felids. Protective barriers were not provided around feeding chutes, the area around the gates used to access felid and bear enclosures and the area around the opening to the catch pens used for felids and bears.

See proposed citation for not ensuring protective barriers were provided at areas around enclosures to protect employees from the hazard of contact-with animals such as bears and felids.

Enclosed for your information is a copy of the Citation and Notification of Penalty which was sent to the employer, and should have been posted at the workplace for at least three days after receipt.

If you do not agree with our inspection results, you may contact me for clarification of the matter. You also have the right to an informal review by the OSHA Regional Administrator, who may be contacted at the following location:

John M. Hermanson
Regional Administrator
Occupational Safety and Health Administration
U. S. Department of Labor
525 S. Griffin Street, Room 602
Dallas, TX 75202
Phone 972-850-4145

This review may be obtained by submitting a written statement of your position with the Regional Administrator. The Regional Administrator will provide the employer with a copy of such statement by certified mail. Your identity will be withheld unless you explicitly request that it be revealed.

Section 17(g) of the OSH Act states that it is unlawful to make any false statement, representation or certification in any document filed pursuant to the Occupational Safety and Health Act of 1970. **Violations can be punished by a fine of not more than \$10,000, or by imprisonment of not more than six months, or by both.**

Section 11(c) of the OSH Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity. 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, since OSHA can accept only those complaints **filed within 30 days of the alleged discriminatory action.**

Thank you for your concern for a safe and healthful work place.

Sincerely,



fa David A. Bates
Area Director

Enclosure

U.S. Department of Labor
Occupational Safety and Health Administration
55 North Robinson
Suite 315
Oklahoma City, OK 73102
Phone: 405-278-9560 Fax: 405-278-9572



Citation and Notification of Penalty

To:
The Garold Wayne Interactive Zoological Foundation
and its successors
25803 North County Road 3250
Wynnewood, OK 73098

Inspection Number: 952924
Inspection Date(s): 12/20/2013 - 03/31/2014
Issuance Date: 03/31/2014

Inspection Site:
25803 North County Road 3250
Wynnewood, OK 73098

The violation(s) described in this Citation 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.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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 U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/31/2014. The conference will be held by telephone or at the OSHA office located at 55 North Robinson, Suite 315, Oklahoma City, OK 73102 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 952924

Company Name: The Garold Wayne Interactive Zoological Foundation
Inspection Site: 25803 North County Road 3250, Wynnewood, OK 73098
Issuance Date: 03/31/2014

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 55 North Robinson, Suite 315, Oklahoma City, OK 73102**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: The Garold Wayne Interactive Zoological Foundation
Inspection Site: 25803 North County Road 3250, Wynnewood, OK 73098

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazard of contact-with wild animals:

On or about October 5, 2013, and times prior thereto, the employer did not adequately protect employees from the hazard of being struck by, mauled, or bitten by wild animals such as, but not limited to, tigers, lions, ligers (lion/tiger crossbreed) and bears.

- a) Protective barriers have not been provided for the area around the fast feed chute or to keep felids from reaching up through the chute while employees feed the animals.
- b) Protective barriers for the area around the gates used to access felid and bear enclosures have not been provided for all of the enclosures.
- c) Protective barriers for the area around the opening to the catch pens used for felids and bears have not been provided.

NOTE: One feasible and acceptable method of abatement, used in conjunction with routine monitoring and enforcement of procedures, to correct this hazard is to follow Global Federation of Animal Sanctuaries Standards for Felid Sanctuaries, July, 2013, Section S.6.g, and Global Federation of Animal Sanctuaries Standards for Bear Sanctuaries, June, 2013, Section S.6.g.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/10/2014
Proposed Penalty: \$2800.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 952924
Inspection Date(s): 12/20/2013 - 03/31/2014
Issuance Date: 03/31/2014



Citation and Notification of Penalty

Company Name: The Garold Wayne Interactive Zoological Foundation
Inspection Site: 25803 North County Road 3250, Wynnewood, OK 73098

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

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

On or about December 20, 2013, the employer did not provide a written Hazard Communication program exposing employees to the hazard of chemical exposure.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/10/2014
\$2000.00

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

Inspection Number: 952924
Inspection Date(s): 12/20/2013 - 03/31/2014
Issuance Date: 03/31/2014



Citation and Notification of Penalty

Company Name: The Garold Wayne Interactive Zoological Foundation
Inspection Site: 25803 North County Road 3250, Wynnewood, OK 73098

Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical in use:

On or about December 20, 2013, the employer did not provide Material Safety Data Sheets for chemicals such as, but not limited to, Pine-Sol, Great Value Bleach, Farnam Just One Bite Bait Bar and Farnman Tri-Tec Fly Repellant. Employees were exposed to the hazard of chemical exposure.

Date By Which Violation Must be Abated:

04/10/2014

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 952924
Inspection Date(s): 12/20/2013 - 03/31/2014
Issuance Date: 03/31/2014



Citation and Notification of Penalty

Company Name: The Garold Wayne Interactive Zoological Foundation
Inspection Site: 25803 North County Road 3250, Wynnewood, OK 73098

Citation 1 Item 2 c Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): The employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area:

On or about December 20, 2013, the employer did not provide effective Hazard Communication training to employees using chemicals such as, but not limited to, Pine-Sol, Great Value Bleach, Farnam Just One Bite Bait Bar and Farnman Tri-Tec Fly Repellant exposing employees to the hazard of chemical exposure.

Date By Which Violation Must be Abated:

04/10/2014

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
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Company Name: The Garold Wayne Interactive Zoological Foundation
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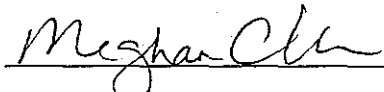
Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.1(a)(2): The company has more than ten (10) employees at any time during the last calendar year and did not keep OSHA injury and illness records.

On or about December 20, 2013, and times prior to, the employer did not keep the required log of injuries and illnesses on the OSHA 300 form or equivalent.

Date By Which Violation Must be Abated:
Proposed Penalty:

04/10/2014
\$400.00


David A. Bates
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
55 North Robinson
Suite 315
Oklahoma City, OK 73102
Phone: 405-278-9560 Fax: 405-278-9572



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Garold Wayne Interactive Zoological Foundation
Inspection Site: 25803 North County Road 3250, Wynnewood, OK 73098
Issuance Date: 03/31/2014

Summary of Penalties for Inspection Number	952924
Citation 1, Serious	\$4800.00
Citation 2, Other-than-Serious	\$400.00
TOTAL PROPOSED PENALTIES	\$5200.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Meghan Chin

3-31-14

for David A. Bates
Area Director

Date