

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1222 Spruce Street  
Room 9.104  
Saint Louis, MO 63103  
Phone: 314-425-4249 Fax: 314-425-4289



## Citation and Notification of Penalty

**To:**  
FIRST MISSOURI TERMINALS INC., dba  
MIDWEST GRAIN & BARGE COMPANY INC.  
and its successors  
P.O. BOX 1717  
Cape Girardeau, MO 63701

**Inspection Site:**  
179 Rushing Road  
Scott City, MO 63780

**Inspection Number:** 1132912  
**Inspection Date(s):** 03/16/2016 - 03/16/2016  
**Issuance Date:** 05/19/2016  
**Reply to the Attention:** Strategic Team Leader

*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](http://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 \$25,000 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](http://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 05/19/2016. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1132912**

Company Name: FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.  
Inspection Site: 179 Rushing Road, Scott City, MO 63780  
Issuance Date: 05/19/2016

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, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

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:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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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 1 a Type of Violation: **Serious**

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition:

a) At 179 Rushing Road in Scott City, MO 63780 (electrical service room) - On or about 3/16/2016, employees were exposed to fire and/or explosion hazards where dust and flammable or combustible liquid containers were allowed to accumulate in the electrical service room, which was not kept clean and orderly or in a sanitary condition.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016

Proposed Penalty:

\$4200.00



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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

29 CFR 1910.22(a)(2): Where wet processes were used, drainage was not maintained, and false floors, platforms, mats, or other dry standing places were not provided when practicable:

a) At 179 Rushing Road in Scott City, MO 63780 (liquid fertilizer loading area) - On or about 3/16/2016, employees were exposed to slip and elevated fall hazards where liquid fertilizer, Urea Ammonium Nitrate Solution, was leaking above the working platform, stairway and extended platform, and drainage was not maintained, and false floors, platforms, mats or other dry standing places were not provided when practicable.

**NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19**

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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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 1910.23(a)(8)(ii): Every floor hole into which persons could accidentally walk were not guarded by a floor hole cover of standard strength and construction:

a) At 179 Rushing Road in Scott City, MO 63780 (liquid fertilizer loading area) - On or about 3/16/2016, a floor hole measuring approximately 6 inches in diameter, 3 inches at smallest point and 4-5 inches in depth, which employees could accidentally walk was not guarded by a floor hole cover of standard strength and construction.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016

Proposed Penalty:

\$4200.00



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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

29 CFR 1910.23(c)(1): Every open-sided floor or platform 4 feet or more above adjacent floor or ground level was not guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder:

a) At 179 Rushing Road in Scott City, MO 63780 (liquid fertilizer loading area) - On or about 3/16/2016, employees were exposed to elevated fall hazards while loading customer trucks from an open-sided platform, approximately 10-12 feet above a concrete floor, which was not guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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

29 CFR 1910.23(e)(2): Stair rails did not consist of a top rail, intermediate rail and/or posts, with the vertical height not more than 34 inches (86.36 cm) nor less than 30 inches (76.2 cm) from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread:

a) At 179 Rushing Road in Scott City, MO 63780 (liquid fertilizer loading area) - On or about 3/16/2016, employees were exposed to elevated fall hazards while climbing a fixed metal stairway with 12 risers where the stair rails did not consist of a top rail, intermediate rail and/or posts, with the vertical height not more than 34 inches (86.36 cm) nor less than 30 inches (76.2 cm) from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 3/16/2016, the employer failed to assess the workplace, where employees were exposed to liquid and dry fertilizers, such as, but not limited to, Urea Ammonium Nitrate Solution - irritant; Ammonium Nitrate Prill - irritant, oxidizer; Dibasic Ammonium Phosphate - irritant; Muriate of Potash - irritant; Granular Triple Superphosphate - irritant; Urea Granular - irritant; and, Aluminum Phosphide Fumigant Pellets - poison, which necessitate the use of personal protective equipment (PPE).

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

Proposed Penalty:

\$4200.00



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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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 4 a** Type of Violation: **Serious**

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 3/16/2016, the employer failed to evaluate the workplace to determine if any spaces were permit-required confined spaces, such as, but not limited to, grain bins or silos and atmospheric fertilizer tanks.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/08/2016
Proposed Penalty:	\$3500.00

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

**Inspection Number:** 1132912  
**Inspection Date(s):** 03/16/2016 - 03/16/2016  
**Issuance Date:** 05/19/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 4 b** Type of Violation: **Serious**

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 03/16/2016, the employer failed to inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces, such as, but not limited to, grain bins or silos and atmospheric fertilizer tanks.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016

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:** 1132912  
**Inspection Date(s):** 03/16/2016 - 03/16/2016  
**Issuance Date:** 05/19/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 4 c** Type of Violation: **Serious**

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 03/16/2016, the employer failed to develop and implement a written permit space entry program that complied with 29 CFR 1910.146, when employees were required to enter spaces, such as, but not limited to, grain bins or silos.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/07/2016

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:** 1132912  
**Inspection Date(s):** 03/16/2016 - 03/16/2016  
**Issuance Date:** 05/19/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.272(e)(1): The employer did not provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 3/16/2016, the employer failed to provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/15/2016  
\$3500.00

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:** 1132912  
**Inspection Date(s):** 03/16/2016 - 03/16/2016  
**Issuance Date:** 05/19/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 3/16/2016, employees were assigned special tasks in the grain handling facility, such as, but not limited to, grain bin or silo entry and were not provided training to perform these tasks safely.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

Proposed Penalty:

\$3500.00

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



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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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 7 a** Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 02/24/2016, the employer failed to issue a permit for entering bins or silos in the grain handling facility before the employees entered the bins or silos.

Abatement certification is required for this item (permit system).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/15/2016
Proposed Penalty:	\$3500.00

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

**Inspection Number:** 1132912  
**Inspection Date(s):** 03/16/2016 - 03/16/2016  
**Issuance Date:** 05/19/2016



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 7 b** Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside grain storage structures in the grain handling facility were not disconnected, locked out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 02/24/2016, prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment, such as, but not limited to grain auger, which presented a danger to employees inside grain storage structure in the grain handling facility were not disconnected, locked out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods.

Abatement certification is required for this item (hazardous energy isolation program/process).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

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

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**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 7 c** Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(iii): The atmosphere within a bin, silo, or tank in the grain handling facility was not tested for the presence of combustible gases, vapors, and toxic agents or oxygen content prior to employee entry:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 02/24/2016, the atmosphere within a bin or silo in the grain facility was not tested for the presence of combustible gases, vapors, and toxic agents or oxygen content prior to employee entry.

Abatement certification is required for this item (atmospheric testing equipment/process).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

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

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**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 02/24/2016, in the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin or silo being entered by employees.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

06/15/2016  
\$3500.00

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

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**Citation and Notification of Penalty**

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**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.272(g)(4): The employer did not provide equipment for rescue operations, which was specifically suited for the bin, silo, or tank being entered:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 02/24/2016, the employer failed to provide equipment for rescue operations, which was specifically suited for the bin or silo being entered.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

Proposed Penalty:

\$3500.00

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

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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.272(g)(6): Employees at the grain handling facility entered bins, silos, or tanks underneath a bridging condition, or where a buildup of grain products on the side could fall and bury them:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 02/24/2016, employees at the grain handling facility entered a bin or silo where a buildup of grain products on the sides, approximately 12 feet high, could have fallen and buried them.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/15/2016

Proposed Penalty:

\$3500.00

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



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 1 Item 11** 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:

a) At 179 Rushing Road in Scott City, MO 63780 - On or about 3/16/2016, where employees were exposed to liquid and dry fertilizers, such as, but not limited to, Urea Ammonium Nitrate Solution - irritant; Ammonium Nitrate Prill - irritant, oxidizer; Dibasic Ammonium Phosphate - irritant; Muriate of Potash - irritant; Granular Triple Superphosphate - irritant; Urea Granular - irritant; and, Aluminum Phosphide Fumigant Pellets - poison, the employer failed to 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.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/07/2016

Proposed Penalty:

\$4200.00



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1910.253(b)(4)(i): Oxygen cylinders were stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near other substance likely to cause or accelerate fire:

a) At 179 Rushing Road in Scott City, MO 63780 (dry fertilizer offload) - On or about 3/16/2016, employees were exposed to accelerated fire hazards where oxygen cylinders were stored near highly combustible materials, such as, but not limited to, gasoline, oil and grease, and acetylene likely to cause or accelerate fire.

Abatement certification is required for this item.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016

Proposed Penalty:

\$0.00



**Citation and Notification of Penalty**

**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.

**Inspection Site:** 179 Rushing Road, Scott City, MO 63780

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Citation 2 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

a) At 179 Rushing Road in Scott City, MO 63780 (Electrical service room) - On or about 3/16/2016, employees were exposed to the hazard of being contacted by electricity where a breaker slot in a 480V/200AMP "Sweep Auger" cabinet was not effectively closed.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM. FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 IN ACCORDANCE WITH 29 CFR 1903.19

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/08/2016

Proposed Penalty:

\$700.00

A handwritten signature in blue ink, appearing to read "W. McDonald".

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[for] **William McDonald, CSP**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1222 Spruce Street  
Room 9.104  
Saint Louis, MO 63103  
Phone: 314-425-4249 Fax: 314-425-4289



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** FIRST MISSOURI TERMINALS INC., dba MIDWEST GRAIN & BARGE COMPANY INC.  
**Inspection Site:** 179 Rushing Road, Scott City, MO 63780  
**Issuance Date:** 05/19/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1132912</b>
<b>Citation 1, Serious</b>	<b>\$41300.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$700.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$42000.00</b>

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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](http://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 \$25,000 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.



05/19/2016

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[for] **William McDonald, CSP**  
Area Director

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Date