

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114
Phone: 402-553-0171 Fax: 402-551-1288



Citation and Notification of Penalty

To:
New Alliance
and its successors
PO Box H
Alliance, NE 69301

Inspection Number: 1127070
Inspection Date(s): 02/23/2016 - 02/23/2016
Issuance Date: 07/21/2016

Inspection Site:
9620 S. Railroad Ave
Bridgeport, NE 69336

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 \$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. 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 07/21/2016. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1127070

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336
Issuance Date: 07/21/2016

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, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

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: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees.

The employer is failing to protect employees from fall hazards associated with accessing the top of rail cars without the use of fall protection. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees tasked with opening the top hatches on grain rail cars by accessing the top of the rail cars while exposed to a 15 foot fall hazard, without the use of fall protection.

1. Implement a rail car loading plan that mandates no employee climb on top of a rail car unless protected against fall hazards by conventional fall protection.
2. Having a retractable lanyard prepositioned at the rail load fall protection system with a rope from the access platform to the hook so that the employee could pull the retractable hook to themselves and connect to their harness prior to dropping the walkway and walking out onto the car.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00

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: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toe boards:

The employer is failing to protect employees from fall hazards associated with using inadequately guarded platforms. The most recent occurrence of this was found on the job site located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees using the drop down platform as means of access to the top of the railcars while exposed to a 15 foot fall hazard without the use of fall protection.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/05/2016

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

Inspection Number: 1127070
Inspection Date(s): 02/23/2016 - 02/23/2016
Issuance Date: 07/21/2016



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.23(a)(5): Every pit and trapdoor floor opening, infrequently used, was not guarded by a floor opening cover of standard strength and construction. While the cover is not in place, the pit or trap opening was not constantly attended by someone or was not protected on all exposed sides by removable standard railings.

The employer is failing to protect employees from fall hazards associated with uncovered pits. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees working around the top of the uncovered pits while they unload beans and perform maintenance on the drag conveyors.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:	08/05/2016
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.



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.146(c)(5)(ii)(C): Before an employee entered a space, the internal atmosphere was not tested with a calibrated direct-reading instrument for oxygen, flammable gases and vapors and potential toxic air contaminants:

The employer is failing to protect employees from respiratory hazards associated with confined space entry. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering confined spaces without testing the air quality first. Instances include but are not limited to:

- i. Employees entered into the boot pit for the mill leg to cleaning operations.
- ii. Employees entered into the tunnel that runs north south underneath the east bins to cleaning operations.
- iii. Employees entered into the boot pit for the north leg adjacent to bins 15 and 16 to cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.146(d)(4)(viii): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not provide, at no cost to the employees, rescue and emergency equipment needed to comply with 29 CFR 1910.146(d)(9):

The employer is failing to protect employees from emergency rescue hazards associated with confined space entry. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering confined spaces without rescue equipment. Instances include but are not limited to:

- i. Employees entered into the boot pit for the mill leg to cleaning operations.
- ii. Employees entered into the tunnel that runs north south underneath the east bins to cleaning operations.
- iii. Employees entered into the boot pit for the north leg adjacent to bins 15 and 16 to cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.146(e)(1): Before entry was authorized, the employer did not document the completion of measures required by 29 CFR 1910.146(d)(3) by preparing an entry permit:

The employer is failing to protect employees from respiratory, caught between and emergency rescue hazards associated with confined space entry. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering confined spaces without preparing an entry permit. Instances include but are not limited to:

- i. Employees entered into the boot pit for the mill leg to cleaning operations.
- ii. Employees entered into the tunnel that runs north south underneath the east bins to cleaning operations.
- iii. Employees entered into the boot pit for the north leg adjacent to bins 15 and 16 to cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

The employer is failing to train employees on respiratory, caught between and emergency rescue hazards associated with confined space entry. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has untrained employees entering confined spaces to perform maintenance and cleaning operations. Instances include but are not limited to:

- i. Employees entered into the boot pit for the mill leg to cleaning operations.
- ii. Employees entered into the tunnel that runs north south underneath the east bins to cleaning operations.
- iii. Employees entered into the boot pit for the north leg adjacent to bins 15 and 16 to cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

Citation 1 Item 7 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:

The employer is failing to train employees on explosion, engulfment and respiratory hazards associated with entering grain bins. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering grain bins to perform maintenance and cleaning operations. Instances include but are not limited to:

- i. Employees entered into the cleaner bin to perform cleaning operations.
- ii. Employees entered into the bagging bin to perform cleaning operations.
- iii. Employees entered into bin #4 to perform cleaning operations.
- iv. Employees entered into bin #2 to perform cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

Citation 1 Item 8 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:

The employer is failing to protect employees from explosion, engulfment and respiratory hazards associated with entering grain bins. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering grain bins to perform maintenance and cleaning operations. Instances include but are not limited to:

- i. Employees entered into bin #4 to perform cleaning operations.
- ii. Employees entered into bin #2 to perform cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

Citation 1 Item 9 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 prevented from operating by other means or methods:

The employer is failing to protect employees from caught between and engulfment hazards associated with entering grain bins. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering grain bins to perform maintenance and cleaning operations. Instances include but are not limited to:

- i. Employees entered into the cleaner bin to perform cleaning operations.
- ii. Employees entered into bin #4 to perform cleaning operations.
- iii. Employees entered into bin #2 to perform cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

Citation 1 Item 10 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 prior to employee entry:

The employer is failing to protect employees from atmospheric hazards associated with entering grain bins. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering grain bins to perform maintenance and cleaning operations. Instances include but are not limited to:

- i. Employees entered into the cleaner bin to perform cleaning operations.
- ii. Employees entered into the bagging bin to perform cleaning operations.
- iii. Employees entered into bin #4 to perform cleaning operations.
- iv. Employees entered into bin #2 to perform cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

Citation 1 Item 11 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:

The employer is failing to protect employees from emergency rescue hazards associated with entering grain bins. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees entering grain bins to perform maintenance and cleaning operations without providing rescue equipment. Instances include but are not limited to:

- i. Employees entered into the cleaner bin to perform cleaning operations.
- ii. Employees entered into the bagging bin to perform cleaning operations.
- iii. Employees entered into bin #4 to perform cleaning operations.
- iv. Employees entered into bin #2 to perform cleaning operations.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/05/2016
Proposed Penalty:	\$4900.00

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

Inspection Number: 1127070
Inspection Date(s): 02/23/2016 - 02/23/2016
Issuance Date: 07/21/2016



Citation and Notification of Penalty

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

The employer is failing to protect employees from electrical hazards associated with using temporary flexible cords in lieu of permanent wiring. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees using a yellow temporary flexible cord to provide permanent power for the Ingersoll Rand #2 machine in the milling plant.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated: 08/05/2016
Proposed Penalty: \$2100.00

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: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336

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

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates and markings were in place:

The employer is failing to protect employees from struck-by hazards associated with operating or working near forklifts in operation. The most recent occurrence of this was found at the facility located at 9620 S. Railroad Ave, Bridgeport, NE 69336 where the employer has employees operating the Nissan 50 propane forklift as a means of moving pallets of product throughout the facility without having a legible data plate with weight capacity limitations installed on the lift.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated: 08/05/2016
Proposed Penalty: \$0.00



Jeff Funke
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114
Phone: 402-553-0171 Fax: 402-551-1288



INVOICE / DEBT COLLECTION NOTICE

Company Name: New Alliance
Inspection Site: 9620 S. Railroad Ave, Bridgeport, NE 69336
Issuance Date: 07/21/2016

Summary of Penalties for Inspection Number	1127070
Citation 1, Serious	\$53900.00
Citation 2, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$53900.00

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 \$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.

Jeff Funke



Area Director

Date

7/21/16