

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



Citation and Notification of Penalty

To:
Interstate Commodities, Inc.
and its successors
549 County Road T
Fremont, NE 68025

Inspection Number: 1432818
Inspection Date(s): 09/23/2019 -
Issuance Date: 02/24/2020

Inspection Site:
549 County Road T
Fremont, NE 68025

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 by calling 402-553-0171. 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 02/24/2020. 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: 1432818

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025
Issuance Date: 02/24/2020

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

OSH ACT of 1970 Section (5)(a)(1): The employer is failing to 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 in that employees were exposed to the hazard of falls, while being elevated on a wooden pallet on the forks of an industrial truck without any means of fall protection.

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - On or about September 22, 2019, employee(s) were elevated by and worked from a wooden pallet on the forks of a Gradall JLG material handler to access a side hole in grain bin #5, that was approximately 20 feet above ground level. The employee(s) on the elevated wooden pallet were not protected by any form of fall protection.

Among other methods, feasible and acceptable methods to correct this hazard includes, but are not limited to the following:

- i) Implement the requirements as outlined in ASME Standard B56.6-2016 Section 5.15 for rough terrain forklift trucks.
- ii) Ensure as required in ASME Standard 56.6-2016 paragraph 5.15.3 that the combined weight of the load and personnel on the personnel work platform does not exceed the capacity shown on the information plate(s) or load capacity chart as specified in paragraph 5.15.2.
- iii) Implement the precautions (a) through (i) for using a rough terrain forklift truck to elevate personnel contained in ASME Standard 56.6-2016 paragraph 5.15.4.
- iv) Ensure that the occupants of the personnel work platform have been trained in the use of the equipment as required by precautions (a) through (g) as contained in ASME Standard 56.6-2016 paragraph 5.15.6.

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

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: 1432818
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Issuance Date: 02/24/2020



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

certification sheet is enclosed with citation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.134(c)(3): The employer did not designate a program administrator who was qualified by appropriate training or experience to administer or oversee the respiratory protection program and to conduct the required evaluations of program effectiveness:

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - Employer is failing to designate a qualified program administrator to oversee the company respiratory protection program. The program administrator(s) failed to implement the required elements of a respiratory protection program for employee(s) required to wear a full facepiece respirator during shipping container fumigation monitoring operations. This violation last occurred on or about August 31, 2019.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.134(d)(3)(iii)(B)(2): The employer did not implement a change schedule for respirators not equipped with an End of Service Life Indicator that would ensure cartridges were changed before the end of their service life:

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - Employer is failing to implement a respirator cartridge change schedule based on exposure data for full facepiece tight-fitting respirator(s) worn during the monitoring and opening of shipping containers treated with phosphine gas. This violation last occurred on or about August 31, 2019.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.134(k)(1): The employer did not provide effective training to ensure that each employee could demonstrate knowledge of 1910.134(k)(1)(i) - (vii):

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - The employer is failing to provide effective respiratory protection training before employee(s) use respirator(s) in the workplace including, but not limited to respirator fit, respirator limitations, proper maintenance, and medical signs/symptoms that may limit usage. Employee(s) were required to wear full facepiece tight-fitting cartridge respirator(s) during the monitoring and opening of shipping containers treated with phosphine gas. This violation last occurred on or about August 31, 2019.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - Grain Elevator and Container Yard- The employer is failing to ensure the each powered industrial truck operator is competent to operate a powered industrial truck safely. Employees that operate a Mitsubishi propane forklift and a Gradall JLG material handler had not completed the required training and operator evaluations. Powered industrial truck operator certifications were not available upon agency request. This violation was last observed on or about January 20, 2020.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/09/2020
Proposed Penalty:	\$10390.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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:

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - The employer is failing to provide adequate training to perform special tasks safely in the following instances:

A) Employee(s) who entered grain bins did not receive proper training in hazards including, but not limited to mechanical, grain engulfment, and atmospheric from poor quality grain. On or about September 22, 2019, an employee in bin #5 suffered fatal injuries from grain engulfment while walking crusted grain. Employee(s) had also entered multiple bins prior to this date.

B) Employee(s) engaged in handling, monitoring, and opening fumigant phosphine gas filled shipping containers had not received adequate training on the flammability, lowest explosive level, and the proper methods to protect themselves with respirators. This hazard last occurred on or about August 31, 2019 and on multiple prior occasions in August 2019.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 1 Item 7 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:

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - The employer is failing to ensure that electrical and mechanical equipment inside a grain bin were disconnected, locked out and tagged, and blocked-off before employee entry. On or about September 22, 2019, an employee entered grain bin #5 while equipment, including the tunnel drag, leg #3, and leg #4 were still operating. The employee suffered fatal injuries after being engulfed in the grain.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.272(g)(1)(iv): The employer did not prohibit "walking down grain" and similar practices where the employee walks on grain to make it flow within or out from a grain storage structure, or where an employee is on moving grain:

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - The employer is failing to prevent employee(s) from walking down or standing on grain to make it flow from a grain bin. On or about September 22, 2019, an employee entered grain bin #5, stood on the crusted grain, and used a pole in an attempt to make it flow. The employee suffered fatal injuries after being engulfed in the grain.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from a level at or above the level of stored grain, or walks or stands on stored grain of a depth which poses an engulfment hazard, employee(s) did not wear a body harness with lifeline, or use a boatswain's chair:

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - The employer is failing to prevent employee(s) from entering a grain bin above the grain and standing on deep grain without wearing a body harness with a lifeline. On or about September 22, 2019, an employee entered grain bin #5 through a side hole above the grain without a body harness and lifeline. The employee suffered fatal injuries after being engulfed in the grain.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$10390.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.305(g)(1)(iv): Flexible cords and/ or cables were used for purposes prohibited by paragraphs (A) through (F) of 29 CFR 1910.305(g)(1)(iv)(a):

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - Scale House in Container Load-out area - Employer is failing to ensure that flexible electrical cords were not used for purposes prohibited by the standard in the following instances:

A) A flexible extension cord was run through the wall mounted air conditioner to power a wall mounted relocatable power tap that powered a refrigerator, a microwave, a water cooler, a radio communication system, and a phone charger in the scale house.

B) A flexible extension cord was attached to conduit, run through water, and used to power phone chargers in the scale house area.

These hazards were last observed on or about September 25, 2019.

Hazard was abated during inspection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7422.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - Employer is failing to ensure that employee(s) required to wear full facepiece tight-fitting cartridge respirators during monitoring and opening of shipping containers treated with phosphine gas, had been provided the medical evaluation required by the standard. This violation last occurred on or about August 31, 2019.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.134(e)(1) which was contained in OSHA inspection number 1059871 Citation Number 1, Item Number 1 and was affirmed as a final order on 09/16/15 with respect to the workplace located at 3001 Cornhusker Highway, Lincoln, Nebraska 68504.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$14844.00

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 2 Item 2 Type of Violation: **Repeat**

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - Employer is failing to ensure that employee(s) required to wear one full facepiece tight-fitting cartridge respirator during monitoring and opening of shipping containers treated with phosphine gas, had been properly fit tested. This violation last occurred on or about August 31, 2019.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.134(f)(1) which was contained in OSHA inspection number 1059871 Citation Number 1, Item Number 2 and was affirmed as a final order on 09/16/15 with respect to the workplace located at 3001 Cornhusker Highway, Lincoln, Nebraska 68504.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$20782.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 2 Item 3 Type of Violation: **Repeat**

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:

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - The employer is failing to issue bin entry permits during two entries into bin #5 by an employee on or about September 22, 2019. The employee suffered fatal injuries from grain engulfment during the second entry.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.272(g)(1)(i) which was contained in OSHA inspection number 1175615 Citation Number 1, Item Number 1c and was affirmed as a final order on 11/15/16 with respect to the workplace located at 110 East Highway 18, Gregory, South Dakota 57533.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$20782.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 2 Item 4 Type of Violation: **Repeat**

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:

Interstate Commodities, Inc. - 549 East Country Rd T, Fremont, Nebraska 68025 - The employer is failing to ensure that the atmosphere within grain bin #5, during two entries by an employee on or about September 22, 2019, was tested prior to or during entry. An appropriate atmospheric monitor was not available in the facility. The employee suffered fatal injuries from grain engulfment during the second entry.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.272(g)(1)(iii) which was contained in OSHA inspection number 1175615 Citation Number 1, Item Number 1d and was affirmed as a final order on 11/15/16 with respect to the workplace located at 110 East Highway 18, Gregory, South Dakota 57533.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$20782.00

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 2 Item 5 Type of Violation: **Repeat**

29 CFR 1910.272(j)(1): The employer did not develop and implement a written housekeeping program that established the frequency and the method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - The employer is failing to develop and implement a written housekeeping program to reduce large accumulations of fugitive grain dust throughout the facility including, but not limited to floors and equipment in the basement tunnel area of the facility. A written housekeeping program was not available upon agency request. This grain dust hazard was last observed on or about September 25, 2019.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.272(j)(1) which was contained in OSHA inspection number 1175615 Citation Number 2, Item Number 2 and was affirmed as a final order on 11/15/16 with respect to the workplace located at 110 East Highway 18, Gregory, South Dakota 57533.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$14844.00

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: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 2 Item 6 Type of Violation: **Repeat**

29 CFR 1910.272(m)(3): A certification record maintained of each inspection by the employer in the grain facility was not performed in accordance with 29 CFR 1910.272(m):

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - The employer is failing to maintain a compliant certification record of regularly scheduled inspections of mechanical equipment associated with grain stream processing equipment. Preventive maintenance certification records were not available upon agency request. This violation was last observed on or about October 8, 2019. Employees lubricate equipment, replace motors, change out chains, and periodically patch abrasion wear holes in elevator legs.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.272(m)(3) which was contained in OSHA inspection number 1175615 Citation Number 2, Item Number 3 and was affirmed as a final order on 11/15/16 with respect to the workplace located at 110 East Highway 18, Gregory, South Dakota 57533.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2020
Proposed Penalty:	\$14844.00



Citation and Notification of Penalty

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025

Citation 2 Item 7 Type of Violation: **Repeat**

29 CFR 1910.272(m)(4): The employer did not implement procedures in the grain handling facility for the use of tags and locks which would prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted, which could result in employee injuries.

Interstate Commodities, Inc. - 549 E. County Road T - Fremont, Nebraska - 68025 - The employer is failing to implement procedures for the use of locks and tags to prevent the accidental start-up of energy or motion for equipment being repaired or serviced. Employee(s) are repairing grain handling equipment without the application of locks and/or tags for equipment including, but not limited to #1 leg and spout from the main pit. This hazard last occurred on or about December 2019.

Interstate Commodities, Inc. was previously cited for a violation of this Occupational Safety and Health standard or its equivalent standard 29 CFR 1910.272(m)(4) which was contained in OSHA inspection number 1175615 Citation Number 2, Item Number 4 and was affirmed as a final order on 11/15/16 with respect to the workplace located at 110 East Highway 18, Gregory, South Dakota 57533.

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

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 04/09/2020
Proposed Penalty: \$20782.00

A handwritten signature in blue ink that reads "Matthew Thurlby for".

Matthew Thurlby
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



INVOICE / DEBT COLLECTION NOTICE

Company Name: Interstate Commodities, Inc.
Inspection Site: 549 County Road T, Fremont, NE 68025
Issuance Date: 02/24/2020

Summary of Penalties for Inspection Number	1432818
Citation 1, Serious	\$100932.00
Citation 2, Repeat	\$127660.00
TOTAL PROPOSED PENALTIES	\$228592.00

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

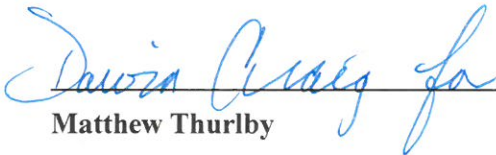
account, the bank will attempt to make the transfer up to 2 times.

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.



Matthew Thurlby

Area Director



Date