

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
4404 South Technology Drive  
Sioux Falls, SD 57106



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## Citation and Notification of Penalty

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**To:**  
Custom Genetic Solutions, LLC  
40275 257th Street  
Mitchell, SD 57301

**Inspection Number:** 1448201  
**Inspection Date(s):** 11/21/2019 - 05/12/2020  
**Issuance Date:** 05/13/2020

**Inspection Site:**  
40275 257th Street  
Mitchell, SD 57301

*The violations described in this Citation and Notification of Penalty is alleged to have occurred on or about the days the inspection was made unless otherwise indicated within the description given below.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty listed herein is 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 violations 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 violations cited herein has 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 605-361-9566. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citations and/or penalty.

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 citations and/or proposed penalty within 15 working days after receipt, the citations and the proposed penalty 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 citations issued on 05/13/2020. The conference will be held by telephone or at the OSHA office located at 4404

South Technology Drive, Sioux Falls, SD 57106 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1448201**

Company Name: Custom Genetic Solutions, LLC  
Inspection Site: 40275 257th Street, Mitchell, SD 57301  
Issuance Date: 05/13/2020

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, 4404 South Technology Drive, Sioux Falls, SD 57106**

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:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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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 1910.1200(e)(1): The employer did not develop, implement, and maintain a written hazard communication program which at least described how the criteria specified in paragraphs (f), (g), and (h) of this section for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also included a hazardous chemicals list and methods used to inform employees of the hazards of non-routine tasks:

(a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure that a written hazard communication program was developed and implemented, which at least described how the criteria specified for labels and other forms of warning, safety data sheets, and employee information and training will be met, and which also included a hazardous chemicals list and methods used to inform employees of the hazards of non-routine tasks, had not been developed for employee exposures, such as but not limited to the following chemicals:

- (1) Liquid Nitrogen-a simple asphyxiant.

**Abatement Note:** The written hazard communication program will also include:

- (1) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas); and,
- (2) The methods the employer will use to inform employees of the hazards of non-routine tasks.
- (3) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.

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:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/09/2020
Proposed Penalty:	\$5,398.00

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:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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

29 CFR 1910.1200(e)(1)(i): The employer's written hazard communication program did not include a list of the hazardous chemicals known to be present at the workplace:

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure a list of hazardous chemicals known to be present in the workplace was compiled. This condition exposed employees to chemical hazards.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

Date By Which Violation Must be Abated:

06/09/2020



**Citation and Notification of Penalty**

**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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

29 CFR 1910.1200(f)(6)(i): The employer did not ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either: the information specified under paragraphs (f)(1)(i) through (v) of this section for labels on shipped containers; or product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical:

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings, including but not limited to the identity of the hazardous chemicals contained therein, appropriate precautions, personal protective equipment needed while handling and at least general information regarding the hazards of the chemicals. The bulk storage room contained five Chart MVE 1842P-150 tanks and numerous shipper or Dewar containers that contained liquid nitrogen and were not labeled with the appropriate information and hazard warnings. Liquid nitrogen is a simple asphyxiant and displaces oxygen. This condition exposed employees to the hazards associated with liquid nitrogen.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/09/2020
Proposed Penalty:	\$5,398.00



**Citation and Notification of Penalty**

**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.):

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure safety data sheets for each hazardous chemical were maintained and accessible for employees. The employer did not have safety data sheets identifying chemicals being used at the facility to include liquid nitrogen. This condition exposed employees to the hazards related to liquid nitrogen.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/09/2020
Proposed Penalty:	\$3,856.00



**Citation and Notification of Penalty**

**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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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 2 Item 1 a** Type of Violation: **Willful**

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

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees have not previously been trained about was introduced into their work area such as but not limited to liquid nitrogen. Employees were not provided safety and health related training associated with chemicals. This condition exposed employees to the hazards related to chemical use.

**Abatement Note:** Abatement certification and documentation is required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	06/09/2020
Proposed Penalty:	\$53,975.00

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:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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

29 CFR 1910.1200(h)(3)(i): Methods and observations were not used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.):

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure employees were provided training to include the methods and observations needed to detect the presence or release of a nitrogen gas in the work area. Employees filled shipper or Dewar containers daily and Chart MVE 1842P-150 Cryogenic Freezers weekly with liquid nitrogen. The employer did not provide training on the methods to detect the release and accumulation of nitrogen gas to include the physical and health hazards and characteristics related to the sublimation from liquid to gas while filling the bulk tanks and the rapid expansion in an enclosed room creating an oxygen-deficient atmosphere. The employer did not provide employees with measures to protect themselves from these hazards to include specific procedures to include work practices, emergency procedures, and personal protective equipment to be used. On the evening of November 20, 2019, an employee died as a result of working in an oxygen-deficient atmosphere as a result of filling bulk storage tanks with liquid nitrogen.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/09/2020

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:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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

29 CFR 1910.1200(h)(3)(ii): Employees were not trained on the physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area:

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure employees were provided training to related to the physical, health, and simple asphyxiant characteristics of liquid nitrogen. Employees filled shipper or Dewar containers daily and Chart MVE 1842P-150 Cryogenic Freezers weekly with liquid nitrogen. The employer did not provide training on the characteristics of liquid nitrogen to include the physical hazards, health hazards, and that liquid nitrogen is a simple asphyxiant. On the evening of November 20, 2019, an employee died as a result of working in an oxygen-deficient atmosphere as a result of filling bulk storage tanks with liquid nitrogen. This condition exposed employees to the hazards related to the use of liquid nitrogen in the work area.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/09/2020



**Citation and Notification of Penalty**

**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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**Citation 2 Item 1 d** Type of Violation: **Willful**

29 CFR 1910.1200(h)(3)(iii): The employer did not provide training that included measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used:

- (a) **Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure employees were provided training that included measures employees could take to protect themselves from the hazards related to liquid nitrogen. On the evening of November 20, 2019, an employee died as a result of working in an oxygen-deficient atmosphere as a result of filling bulk storage tanks with liquid nitrogen. This condition exposed employees to the hazards related to the use of liquid nitrogen in the work area. This condition exposed employees to the hazards related to dispensing liquid nitrogen.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

06/09/2020



### Citation and Notification of Penalty

**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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#### Citation 2 Item 2    Type of Violation: **Willful**

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 dispensing liquid nitrogen which creating an oxygen deficient atmosphere causing asphyxia:

- (a) Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure employees were protected from an oxygen-deficient atmosphere created while dispensing liquid nitrogen to fill bulk semen storage tanks using a one-inch diameter high pressure cryogenic transfer hose in an enclosed room. Employees were tasked to fill a series of Chart MVE 1842P-150 Cryogenic Freezers in an enclosed storage room on a weekly basis. The room was not equipped with an adequate engineered ventilation system or oxygen monitoring equipment or system. On the evening of November 20, 2019, an employee began topping the bulk tanks off with liquid nitrogen when the room became filled with nitrogen gas causing the employee to collapse and eventually succumb to the oxygen-deficient atmosphere created in the room. This condition exposed an employee to an oxygen deficient atmosphere while filling bulk tanks with liquid nitrogen.
- (b) Custom Genetic Solutions, LLC at 40275 257th Avenue, Mitchell, SD 57301:** On or about and at times prior to November 20, 2019, the employer did not ensure employees were protected from an oxygen-deficient atmosphere created while dispensing liquid nitrogen in the garage. Employees were using a cryogenic transfer hose equipped with an agitator to fill shipping Dewars and the Chart MVE CryoCart in an enclosed garage on a daily basis. The room was not equipped with an adequate engineered ventilation system or oxygen monitoring equipment or system. This condition exposed an employee to an oxygen deficient atmosphere while filling bulk tanks with liquid nitrogen.

**Abatement Note:** Among other methods, one feasible and acceptable abatement method to control this hazard is to follow manufacturer's instructions found in the Chart Cryogenic Freezer Technical Manual P/N 13289499 #3. Safety and First Aid-Liquid Nitrogen Safety states, Chart Cryogenic Freezers must be installed and operated in well-ventilated areas. Another feasible method to materially reduce the

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:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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hazard associated with oxygen-deficient atmospheres in an enclosed room would be to implement the following measures:

1. Install a fixed oxygen monitoring system in areas where liquid nitrogen is dispensed and stored within buildings that will continuously monitor the oxygen levels and is equipped with an audible and visual warning system inside and outside the room to warn employees if oxygen levels in the room drop below a preset value.
2. Implement an effective industrial ventilation exhaust system to control oxygen levels in areas within buildings where liquid nitrogen is dispensed and stored to ensure that conveyance systems and ducting are designed in accordance with recognized and accepted good engineering practices such as those found in the American Conference of Governmental Industrial Hygienists (ACGIH) publication, Industrial Ventilation A Manual of Recommended Practice for Design. 30th Edition-2019.
3. Relocate the liquid nitrogen dispensing system used to fill shipping Dewars and the Chart MVE CryoCart from the garage into the bulk storage room once the oxygen monitoring and industrial ventilation systems have been implemented to ensure employees are protected during dispensing operations.
4. Establish, implement and train employees on safe work procedures to include the use of cryogenic Personal Protective Equipment (PPE) for dispensing liquid nitrogen in the bulk storage room. Develop standard operating procedures (SOPs) associated with the storage and dispensing of liquid nitrogen and provide training to ensure employees understand the requirements to include fundamental knowledge of the oxygen monitoring and ventilation systems.
5. Develop and train employees on emergency procedures and implement a plan to include escape routes in the event of a leak or spill in the bulk storage room.

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

### **ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

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:** 1448201  
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**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301

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**Date By Which Violation Must be Abated:** 06/09/2020  
**Proposed Penalty:** \$53,975.00

A handwritten signature in cursive script that reads "Sheila Stanley".

**Sheila Stanley**  
Area Director

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  
4404 South Technology Drive  
Sioux Falls, SD 57106



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Custom Genetic Solutions, LLC  
**Inspection Site:** 40275 257th Street, Mitchell, SD 57301  
**Issuance Date:** 05/13/2020

<b>Summary of Penalties for Inspection Number</b>	<b>1448201</b>
<b>Citation 1, Serious</b>	<b>\$14,652.00</b>
<b>Citation 2, Willful</b>	<b>\$107,950.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$122,602.00</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 two percent (2%). 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.

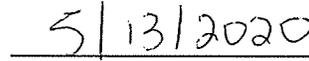
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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

  
\_\_\_\_\_

**Sheila Stanley**

Area Director

  
\_\_\_\_\_

Date