

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



03/08/2023

CHS, Inc., dba Agri-Service Center Roseland
and its successors
5500 Cenex Dr
Inver Grove Heights, MN 55077

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (402) 553-0171.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the 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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Thurlby", with a long horizontal flourish extending to the right.

Matthew Thurlby
Area Director

Enclosures

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:
CHS, Inc., dba Agri-Service Center Roseland
and its successors
5500 Cenex Dr
Inver Grove Heights, MN 55077

Inspection Number: 1621850
Inspection Date(s): 09/13/2022 -
Issuance Date: 03/08/2023

Inspection Site:
9309 South Lincoln Ave
Roseland, NE 68973

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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type “OSHA” in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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.

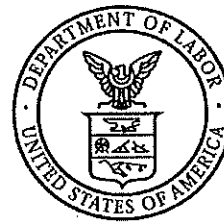
Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

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 03/08/2023. 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: 1621850

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973
Issuance Date: 03/08/2023

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

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

Inspection Number: 1621850
Inspection Date(s): 09/13/2022 -
Issuance Date: 03/08/2023



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

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

On or about September 12, 2022; Employees engaged in grain handling activities at the CHS, Inc facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potential atmospheric and mechanical hazards in that the employer did not adequately evaluate the facility for permit required confined spaces prior to requiring employees to make entry. An instance of failure includes but is not limited to employees entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes.

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:
Proposed Penalty:

April 19, 2023
\$15,625.00

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

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

Inspection Number: 1621850
Inspection Date(s): 09/13/2022 -
Issuance Date: 03/08/2023



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

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

On or about September 12, 2022; Employees engaged in grain handling activities at the CHS, Inc facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potential atmospheric and mechanical hazards in that the employer has inadequately informed employees of permit-required confined spaces throughout the facility.

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:
Proposed Penalty:

March 29, 2023
\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(c)(4): The employer shall develop and implement a written permit space program that complies with this section and is available for inspection by employees and their authorized representatives:

On or about September 12, 2022; Employees engaged in grain handling activities at the CHS, Inc facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potential atmospheric and mechanical hazards in that the employer requires employees to enter permit required spaces without having developed and implement a written program that complies with this section and specific to this location. Instances of failure include but are not limited to:

- i. Program fails to list the permit-required confined spaces throughout the facility.
- ii. Program fails to identify the personnel trained to conduct permit-required confined space entry.
- iii. Program fails to identify the personnel authorized to perform the duties as the entrant
- iv. Program fails to identify the personnel authorized to perform the duties as the attendant
- v. Program fails to identify the specific procedure and contact information for emergency rescue
- vi. Program fails to track permit-required confined space entries conducted within the past year

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(d)(2): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not identify and evaluate the hazards of permit spaces before employees entered:

On or about September 12, 2022: Employees engaged in grain handling tasks at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potentially hazardous atmospheric environments such as low oxygen levels; in that the employer had the employees enter the boot pit beneath Bins 31, 32, 33 & 34 to open the gravity chutes without having conducted a permit-required confined space evaluation.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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

Inspection Number: 1621850
Inspection Date(s): 09/13/2022 -
Issuance Date: 03/08/2023



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(d)(3): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to items (d)(3)(i) through (d)(3)(vi) of this paragraph:

On or about September 12, 2022: Employees engaged in cleaning grain bins at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to atmospheric hazards in that employees are entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes without the employer having developed and implemented procedures that ensures safe entry.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(d)(4): The employer did not ensure employees use the equipment specified in paragraphs (d)(4)(i)-(d)(4)(ix) properly:

On or about September 12, 2022: Employees engaged in grain handling tasks at the facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to atmospheric hazards in that the employer had employees entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes without utilizing necessary entry equipment to include but no limited to:

- i. 4-Gas meter capable of testing the air quality prior to entry.
- ii. Ventilation equipment that could remove any atmosphere hazards found in the air quality test.
- iii. Radio or other communication device allowing for clear communication between entrant, attendant and the main office.
- iv. Lighting equipment capable of illuminating the work area.
- v. Barriers to prevent unauthorized personnel from approaching the entry location.
- vi. Rescue equipment such as personnel recovery winch systems used to lift an injured or incapacitated employee free of the area.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(d)(8): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not designate the persons who were to have active roles in entry operations, identify the duties of each such employee, and did not provide each such employee with the training required:

On or about September 12, 2022: Employees engaged in grain handling tasks at the facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potential atmospheric hazards in that the employer had employees entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes. Instances of employer failure related to these entries include but are not limited to:

- i. Employer did not designate qualified personnel to serve as the entrant and attendant instead choosing to select entry personnel based on their availability.
- ii. Employees were not trained in the duties of entrant or attendant as well as the hazards associated with confined space entry instead were chosen based on their availability.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(d)(9): The employer did not develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and/or for preventing unauthorized entry:

On or about September 12, 2022: Employees engaged in grain handling tasks at the facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potential hazardous atmospheric environments such as low oxygen levels; in that the employer had employees entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes without having developed and implemented procedures for rescue in the event the entrant is trapped.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section:

On or about September 12, 2022: Employees engaged in grain handling tasks at the facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to potential hazardous atmospheric environment such as low oxygen levels; in that the employer had untrained employees entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.146(i)(6)(i): The employer did not ensure that each attendant monitored activities inside and outside the space to determine if it was safe for entrants to remain in the space and ordered the authorized entrants to evacuate the permit space immediately:

On or about September 12, 2022: Employees engaged in grain handling tasks at the facility located at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to atmospheric hazards in that the employer had employees entering the boot pit beneath Bins 31, 32, 33 and 34 to open gravity chutes without implementing and providing monitoring activities for entrants.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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

Inspection Number: 1621850
Inspection Date(s): 09/13/2022 -
Issuance Date: 03/08/2023



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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:

On or about September 12, 2022: Employees engaged in cleaning grain bins at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to engulfment hazards in that the employer had employees entering Bins 31, 32 and 34 to clean out residual grain without ensuring employees were provided and used the necessary rescue equipment available.

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:
Proposed Penalty:

March 29, 2023
\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.272(g)(5): The employee acting as an observer for bin, tank, or silo entry operations in the grain handling facility was not trained in rescue procedures, including notification methods for obtaining additional assistance:

On or about September 12, 2022: Employees engaged in cleaning grain bins at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to engulfment hazards in that an employee acting serving as the bin entry attendant during the entry of grain bins 31, 32 and 34 was not adequately trained on rescue procedures. Instances of inadequate or missing rescue procedural training include but is not limited to:

- i. The attendant for these bin entries did not know who to contact or how to contract them in the event of an emergency during the entry, such as an employee being engulfed.
- ii. The attendant for these bin entries did not know which pieces of equipment was necessary to perform a side bin entry or how to use that equipment to retrieve the entrant.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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

Inspection Number: 1621850
Inspection Date(s): 09/13/2022 -
Issuance Date: 03/08/2023



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

Citation 1 Item 13 Type of Violation: **Serious**

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

On or about September 12, 2022: Employees engaged in cleaning grain bins at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to engulfment hazards. The employer had employees cleaning the inside of grain bins where bridging conditions existed along the long-sloped side of the bins.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

Citation 1 Item 14 Type of Violation: **Serious**

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:

On or about September 12, 2022: Employees engaged in cleaning grain bins at 9309 South Lincoln Avenue, Roseland, Nebraska were exposed to engulfment hazards in that the employer has employees opening and closing the chute to Bins 31, 32, and 34 to clean out residual grain without implementing procedures using tags or locks to prevent unexpected movement of the grain in the bin. Instances include but are not limited to:

- i. Prior to entering Bins 31, 32 and 34 the entry team did not isolate the gravity chutes beneath the bins by closing the gates and securing the gates with a lock or tag.
- ii. Prior to entering Bins 31, 32 and 34 the entry team did not isolate the drag conveyor system beneath the bins by turning off the power and securing the controls with a lock or tag.

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:	March 29, 2023
Proposed Penalty:	\$15,625.00

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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

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

29 CFR 1910.272(e)(2): Employees assigned special tasks, such as bin entry and handling of flammable or toxic substances, shall be provided training to perform these tasks safely:

The employer is failing to protect employees from atmospheric, mechanical and engulfment hazards associated with conducting grain bin entry. This was most recently evident on September 12, 2022, at the CHS Inc. grain handling facility located at 9309 South Lincoln Avenue, Roseland, Nebraska where the employer has inadequately trained employees serving as part of a bin entry team. Instance of failure as a result of inadequate or lack of training include but are not limited to:

- i. Failure to recognize the potential for atmospheric hazards and requirement to test the air quality of a grain bin prior to entering.
- ii. Failure to recognize the potential for engulfment hazards and bin entry equipment requirement for a lifeline that restricts entry beyond points in which the grain is deep enough to engulf the entrant.
- iii. Failure to perform either entrant or attendant related duties during grain bin entry.
- iv. Failure to recognize the requirement to isolate the drag conveyor and bin chute to prevent flowing grain during entry.
- v. Failure to recognize the requirement of the bin entry team to fill out a bin entry permit that needs to be reviewed and made available to the entry team throughout the bin entry.

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:
Proposed Penalty:

March 29, 2023
\$156,259.00



Citation and Notification of Penalty

Company Name: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973

Citation 2 Item 2 Type of Violation: **Willful - Serious**

29 CFR 1910.272(g)(2): The employer did not ensure that whenever employees entered grain storage structures from a level at or above the level of the stored grain or grain products, or whenever employees walked or stood on or in stored grain of a depth which poses an engulfment hazard, employees were equipped with a body harness with lifeline, or a boatswain's chair that meets the requirements of subpart D of this part. The lifeline shall be so positioned, and of sufficient length, to prevent the employee from sinking further than waist-deep in the grain:


The employer is failing to protect employees from engulfment hazards associated with conducting grain bin entry. This was most recently evident on September 12, 2022, at the CHS Inc. grain handling facility located at 9309 South Lincoln Avenue, Roseland, Nebraska, where the employer has employees conducting at level grain bin entry into Bins 31, 32, and 34 to remove residual grain without ensuring the entrant had an adequate lifeline to prevent sinking into 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 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:
Proposed Penalty:

March 29, 2023
\$156,259.00


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: CHS, Inc., dba Agri-Service Center Roseland
Inspection Site: 9309 South Lincoln Ave, Roseland, NE 68973
Issuance Date: 03/08/2023

Summary of Penalties for Inspection Number: 1621850

Citation 1 Item 1, Serious	\$15,625.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$15,625.00
Citation 1 Item 4, Serious	\$15,625.00
Citation 1 Item 5, Serious	\$15,625.00
Citation 1 Item 6, Serious	\$15,625.00
Citation 1 Item 7, Serious	\$15,625.00
Citation 1 Item 8, Serious	\$15,625.00
Citation 1 Item 9, Serious	\$15,625.00
Citation 1 Item 10, Serious	\$15,625.00
Citation 1 Item 11, Serious	\$15,625.00

Citation 1 Item 12, Serious	\$15,625.00
Citation 1 Item 13, Serious	\$15,625.00
Citation 1 Item 14, Serious	\$15,625.00
Citation 2 Item 1, Willful - Serious	\$156,259.00
Citation 2 Item 2, Willful - Serious	\$156,259.00

TOTAL PROPOSED PENALTIES: **\$531,268.00**

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 at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two times.

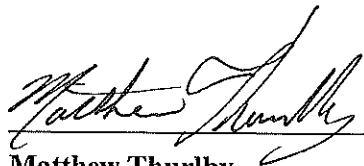
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

3/8/2023

Date