

**Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (309) 589-7033.**

**U.S. Department of Labor** Occupational Safety and Health Administration  
5003 West American Prairie Drive  
Peoria, IL 61615  
Phone: (309) 589-7033 Fax: (309) 589-7326



October 17, 2023

Dear David (Ricky) Gilman,

On 04/21/2023, an OSHA compliance officer met with you or your representative as part of an inspection at 3883 East Faries Parkway, Decatur, IL 62526. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

Handwritten signature of Edward Marshall in cursive.

Edward Marshall, Area Director

### **Your Citation Summary**

Archer-Daniels-Midland Company  
Inspection Number: 1664999

**Total Amount Due: \$324,796.00**

**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations: 4**  
**Your First Correction Deadline is:**  
**November 1, 2023**

### **Step 1 – Choose a Response Option and Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

#### **Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

#### **Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

#### **Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

#### **Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (309) 589-7033.

## Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:

1. Call: Edward Marshall, Area Director, at (309) 589-7033 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***
2. Fill in and post the attached “Notice to Employees OSHA Informal Conference” after scheduling meeting.

\_\_\_ / \_\_\_

\_\_\_ / \_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:

1. Correct violations, then complete and mail the attached “Certification of Corrective Action Worksheet” along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**
2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

\_\_\_ / \_\_\_

\_\_\_ / \_\_\_

*Pay Online:* Search “OSHA” on [www.pay.gov](http://www.pay.gov) and complete the “OSHA Penalty Payment Form.” Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to “DOL-OSHA” for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:

Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

\_\_\_ / \_\_\_

**U.S. Department of Labor** Occupational Safety and Health Administration  
5003 West American Prairie Drive  
Peoria, IL 61615



10/17/2023

Archer-Daniels-Midland Company  
and its successors  
4666 Fairies Parkway, Attn: David Gilman - 3rd Floor Dept. 038  
Decatur, IL 62526

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 will welcome further discussions in person or by telephone. Please contact me at (309) 589-7033.

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](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Edward Marshall".

**Edward Marshall**  
Area Director

Enclosures

## U.S. Department of Labor

Occupational Safety and Health Administration  
5003 West American Prairie Drive  
Peoria, IL 61615



# Citation and Notification of Penalty

**To:**

Archer-Daniels-Midland Company  
and its successors  
4666 Fairies Parkway, Attn: David Gilman - 3rd Floor  
Dept. 038  
Decatur, IL 62526

**Inspection Site:**

3883 East Faries Parkway  
Decatur, IL 62526

**Inspection Number:** 1664999**Inspection Date(s):** 04/21/2023 - 10/13/2023**Issuance Date:** 10/17/2023

*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 (309) 589-7033. 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](http://www.pay.gov). At the top of the 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 must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared, and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/17/2023. The conference will be held by telephone or at the OSHA office located at 5003 West American Prairie Drive, Peoria, IL 61615 on \_\_\_\_\_ at \_\_\_\_\_.

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



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1664999**

Company Name: Archer-Daniels-Midland Company  
Inspection Site: 3883 East Faries Parkway, Decatur, IL 62526  
Issuance Date: 10/17/2023

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, 5003 West American Prairie Drive, Peoria, IL 61615.**

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:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

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

29 CFR 1910.272(j)(2)(ii): The employer shall immediately remove any fugitive grain dust accumulations whenever they exceeded 1/8 inch (.32cm) at priority housekeeping areas, pursuant to the housekeeping program, or shall demonstrate and assure, through the development and implementation of the housekeeping program, that equivalent protection is provided:

The employer does not ensure that fugitive grain dust accumulations are removed whenever they exceed 1/8 inch (.32 cm) at priority housekeeping areas-

(a) On or about April 19, 2023, at the South End of the West Plant's Elevator A, accumulations of fugitive grain dust exceeded 1/8 inch within 35 feet of the South Transfer Leg bucket elevator's casings on Level 9 (Tripper Belt Level) and within 35 feet of the South Transfer leg bucket elevator's head section on the mezzanine level above Level 9. The South Transfer Leg bucket elevator is used for the movement of soybeans at this location. Accumulations that exceeded 1/8 inch were documented on surfaces such as, but not limited to, the following:

- (i) surface of electrical conduit approximately 30' 2" NE of the South Transfer Leg bucket elevator casings (near Bin 64) - Level 9;
- (ii) surface of a pipe over the tripper belt approximately 30' 2" NE of the South Transfer Leg bucket elevator casings (near Bin 64) - Level 9;
- (iii) surfaces of multiple horizontal wall beams approximately 21' 5" NE of the South Transfer Leg bucket elevator casings (near Bin 65) - Level 9;
- (iv) surface of a horizontal wall beam approximately 13' 1" NE of the South Transfer Leg bucket elevator casings (near Bin 65) - Level 9;
- (v) surface of an I-beam approximately 7' 4" NE of the South Transfer Leg bucket elevator casings- Level 9;
- (vi) surface of a discharge spout just N of the South Transfer Leg bucket elevator casings - Level 9;
- (vii) surface of an I-beam supporting the leg head access mezzanine just W of the South Transfer Leg bucket elevator casings - Level 9;
- (viii) surface of an I-beam supporting the leg head access mezzanine just NW of the South Transfer Leg bucket elevator casings - Level 9;
- (ix) surface of a horizontal wall beam just NW of the South Transfer Leg bucket elevator's head section - mezzanine above Level 9;
- (x) surface of a horizontal wall beam just N of the South Transfer Leg bucket elevator's head section - mezzanine above Level 9;
- (xi) surfaces of a horizontal wall beams just NE of the South Transfer Leg bucket elevator's head section -

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:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

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- mezzanine above Level 9;
- (xii) surface of a horizontal flange on the E side of the South Transfer Leg bucket elevator's head section cover - mezzanine above Level 9;
- (xiii) surface of a horizontal flange on the W side of the South Transfer Leg bucket elevator's head section cover - mezzanine above Level 9;
- (xiv) surface of diagonal bracing just NW of the South Transfer Leg bucket elevator's head section - mezzanine above Level 9;
- (xv) surface of diagonal bracing just W of the South Transfer Leg bucket elevator's head section - mezzanine above Level 9;
- (xvi) surface of a L-beam just NW of the South Transfer Leg bucket elevator's head section - mezzanine above Level 9;
- (xvii) surface of an I-beam just W of the South Transfer Leg bucket elevator's head section - mezzanine above Level 9

To abate this violation, the employer must implement a written housekeeping plan to that ensures the immediately removal of any fugitive grain dust accumulations whenever they exceed 1/8" at priority housekeeping areas, such as within 35 feet of inside bucket elevators.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	November 01, 2023
Proposed Penalty:	\$12,278.00

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:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees working in and around the corn germ unloading and elevating operation on the North end of Elevator A were exposed to combustible agricultural dust deflagration and explosion hazards associated with an indoor bucket elevator (Leg 1):

The employer does not ensure that employees working in buildings with indoor bucket elevators having combustible agricultural dust deflagration/explosion hazards are adequately protected from those hazards -

(a) On or about April 20, 2023, at the North end of the West Plant's Elevator A, employees were exposed to combustible agricultural dust deflagration and explosion hazards from the unloading and elevating of dehydrated corn germ materials and associated dust within the indoor Leg 1 bucket elevator that presented un-mitigated deflagration and explosion hazards. Leg 1 was operated in a manner that presented combustible grain dust deflagration and explosion hazards in that fuel, oxygen, containment, suspension, and ignition sources were capable of being present at the same time within the system and Leg 1's deflagration detection and chemical suppression system for explosion protection/deflagration propagation protection was not maintained in a fully operable condition. Frequent inspections and tests were not being performed. The last quarterly inspection of the system and the last annual inspection and test of the system was performed in late 2016.

Feasible means and methods of abatement include following the instructions and guidance provided by the system manufacturer's manual and National Fire Protection Association (NFPA) Standards 61 "Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities, 2020 edition" - Section 8.7 (Management Systems - Inspection, Testing, and Maintenance) and 69 "Standard on Explosion Prevention Systems, 2019 edition" - Sections 10.4.3.4 (Deflagration Control by Suppression - Maintenance and Inspection), 11.4.2.4 (Deflagration Control by Active Isolation - Maintenance), 11.4.2.5 (Deflagration Control by Active Isolation - Inspection), and 15.7 (Explosion Prevention System - Inspection).

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:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

Perform inspections and tests of deflagration detection and explosion protection/deflagration propagation protection systems at intervals established by the manufacturer and the NFPA and in accordance with the requirements established by the manufacturer and the NFPA. The manufacturer of the deflagration detection and chemical suppression system utilized at the time of the event requires specific actions (interim inspections) to be performed on a quarterly basis after installation with certain inspection/maintenance procedures and a simulated discharge to be performed by manufacturer representatives every fourth quarter after installation (annual maintenance). These manufacturer requirements are in-line with those found in NFPA 69.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	December 08, 2023
Proposed Penalty:	\$156,259.00

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:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

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

29 CFR 1910.272(m)(1)(i): The employer shall implement preventative maintenance procedures consisting of regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators:

The employer does not ensure that employees working in buildings with indoor bucket elevators having combustible agricultural dust deflagration/explosion hazards are adequately protected from those hazards -

(a) On or about April 19, 2023, at the South end of the West Plant's Elevator A, the employer operated the South Transfer Leg bucket elevator without having performed regularly scheduled inspections of the deflagration detection and chemical suppression system installed on the leg for explosion protection/deflagration propagation purposes since late 2016.

Feasible means and methods of abatement include following the instructions and guidance provided by the system manufacturer's manual and National Fire Protection Association (NFPA) Standards 61 "Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities, 2020 edition" - Section 8.7 (Management Systems - Inspection, Testing, and Maintenance) and 69 "Standard on Explosion Prevention Systems, 2019 edition" - Sections 10.4.3.4 (Deflagration Control by Suppression - Maintenance and Inspection), 11.4.2.4 (Deflagration Control by Active Isolation - Maintenance), 11.4.2.5 (Deflagration Control by Active Isolation - Inspection), and 15.7 (Explosion Prevention System - Inspection).

Perform inspections and tests of deflagration detection and explosion protection/deflagration propagation protection systems at intervals established by the manufacturer and the NFPA and in accordance with the requirements established by the manufacturer and the NFPA. The manufacturer of the deflagration detection and chemical suppression system utilized at the time of the event requires specific actions (interim inspections) to be performed on a quarterly basis after installation with certain inspection/maintenance procedures and a simulated discharge to be performed by manufacturer representatives every fourth quarter after installation (annual maintenance). These manufacturer requirements are in-line with those found in NFPA 69.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

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:** 1664999  
**Inspection Date(s):** 04/21/2023 - 10/13/2023  
**Issuance Date:** 10/17/2023



**Citation and Notification of Penalty**

**Company Name:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	December 08, 2023
Proposed Penalty:	\$156,259.00

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:** 1664999  
**Inspection Date(s):** 04/21/2023 - 10/13/2023  
**Issuance Date:** 10/17/2023



**Citation and Notification of Penalty**

**Company Name:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526

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Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.22(d)(2): The employer must ensure that hazardous conditions on walking-working surfaces are corrected or repaired before an employee uses the walking-working surface again. If the correction or repair cannot be made immediately, the hazard must be guarded to prevent employees from using the walking-working surface until the hazard is corrected or repaired:

(a) On or about April 19, 2023, and April 20, 2023, an uncorrected and unrepaired floor hole existed at South End of the West Plant's Elevator on Level 9 (Tripper Belt Level), Northeast of the South Transfer leg bucket elevator casing along the East wall.

Date By Which Violation Must be Abated:  
Proposed Penalty:

November 16, 2023  
\$0.00

A handwritten signature in cursive script that reads "Edward Marshall".

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**Edward Marshall**  
Area Director

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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  
5003 West American Prairie Drive  
Peoria, IL 61615



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Archer-Daniels-Midland Company  
**Inspection Site:** 3883 East Faries Parkway, Decatur, IL 62526  
**Issuance Date:** 10/17/2023

Summary of Penalties for Inspection Number: 1664999

Citation 1 Item 1, Serious	\$12,278.00
Citation 2 Item 1, Willful - Serious	\$156,259.00
Citation 2 Item 2, Willful - Serious	\$156,259.00
Citation 3 Item 1, Other-than-Serious	\$0.00

**TOTAL PROPOSED PENALTIES:** **\$324,796.00**

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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 at [www.pay.gov](http://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 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 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 to collect the unpaid debt.



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**Edward Marshall**

Area Director

10/17/2023

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Date