

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



12/18/2023

Nebraska Beef, Ltd, dba Nebraska Beef  
and its successors  
4501 South 36th Street  
Omaha, NE 68107

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](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 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



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## Citation and Notification of Penalty

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**To:**  
Nebraska Beef, Ltd, dba Nebraska Beef  
and its successors  
4501 South 36th Street  
Omaha, NE 68107

**Inspection Number:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023

**Inspection Site:**  
4501 South 36th Street  
Omaha, NE 68107

*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](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 **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](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 12/18/2023. 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: 1687531**

Company Name: Nebraska Beef, Ltd, dba Nebraska Beef  
Inspection Site: 4501 South 36th Street, Omaha, NE 68107  
Issuance Date: 12/18/2023

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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 1910.22(a)(3): The employer did not ensure that walking-working surfaces are maintained free of hazards such as sharp or protruding objects, loose boards, corrosion, leaks, spills, snow, and ice.

Employees engaged in material handling and distribution operations at 4410 South 36th Street, Omaha, Nebraska 68107, were exposed to falling and tripping hazards in that two protruding "L" shaped steel bars were bolted on two sides of a hole in the floor of the swing dock area adjacent to where exposed employees park the powered industrial trucks.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$11,162.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.28(b)(3)(ii): Each employee is protected from tripping into or stepping into or through any hole that is less than 4 feet (1.2 m) above a lower level by covers or guardrail systems;

Employees engaged in material handling and distribution operations at 4410 South 36th Street, Omaha, Nebraska 68107, were exposed to falling and tripping hazards. An elongated-curved hole around a pillar located in the swing dock area adjacent to the powered industrial truck parking was not protected to prevent employees tripping or stepping into the hole.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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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 2 a** Type of Violation: **Serious**

29 CFR 1910.22(c): The employer did not provide, and ensure each employee uses, a safe means of access and egress to and from walking-working surfaces.

Employees engaged in material handling and distribution operations at 4410 South 36th Street, Omaha, Nebraska 68107, were exposed to fall hazards in that employees were using an inadequate stairwell system at the swing dock area for access and egress of the facility. The unstable stairwell system was not equipped with handrails/guardrails and three of the four vertical stanchions supporting the stairwell system were resting on unsecured wood blocks.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$13,394.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.28(b)(11)(ii): The employer did not ensure that each flight of stairs having at least 3 treads and at least 4 risers is equipped with stair rail systems and handrails as described in 29 CFR 1910.28 Table D-2-Stairway Handrail Requirements.

Employees engaged in material handling and distribution operations at 4410 South 36th Street, Omaha, Nebraska 68107, were exposed to fall hazards in that employees were using an inadequate stairwell system at the swing dock area for access and egress of the facility. The stairwell system was not equipped with handrails/guardrails.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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: Nebraska Beef, Ltd, dba Nebraska Beef**  
**Inspection Site: 4501 South 36th Street, Omaha, NE 68107**

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Employees engaged in maintenance operations at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical and hydraulic hazardous energy releases in that employer failed to develop and implement written specific lockout tagout procedures for the hydraulic dock leveler plates/enclosures. Instances of failure include but are not limited to:

- a). DOCK 1 - SN # HD19657 CONTROL BOX 7152 SN # 00004
- b). DOCK 2 - SN # HD19658 CONTROL BOX 7153 SN # 00008
- c). DOCK 3 - SN # HD19659 CONTROL BOX 7154 SN # 00009
- d). DOCK 4 - SN # HD19660 CONTROL BOX 7155 SN # 00010
- e). DOCK 5 - SN # HD19661 CONTROL BOX 7156 SN # 00011
- f). DOCK 6 - SN # HD19662 CONTROL BOX 7157 SN # 00012
- g). DOCK 7 - SN # HD19663 CONTROL BOX 7158 SN # 00013
- h). DOCK 8 - SN # HD19664 CONTROL BOX 7159 SN # 00014
- i). DOCK 9 - SN # HD19665 CONTROL BOX 7160 SN # 00015
- j). DOCK 10 - SN # HD19666 CONTROL BOX 7161 SN # 00016
- k). DOCK 11 - SN # HD19667 CONTROL BOX 7162 SN # 00017
- l). DOCK 12 - SN # HD19668 CONTROL BOX 7163 SN # 00019

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.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed.

Employees engaged in maintenance operations at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical and air pressure hazardous energy releases in that the employer did not conduct annual periodic inspections of written specific lockout tagout procedures of the FA630 #20 box machine prior to employees performing maintenance repairs.

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:	January 16, 2024
Proposed Penalty:	\$11,162.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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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 5 a** Type of Violation: **Serious**

29 CFR 1910.151(c): Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

Employees engaged in material handling and distribution operations in the Swing Dock Area located at 4410 South 36th Street, Omaha, Nebraska 68107, were exposed to corrosive hazards in that the employees were servicing the forklift batteries by adding water to batteries with acid without having an eyewash or quick drenching facility readily available in the event of splashing. The nearest adequate eye wash station was located at the main facility across the road.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$11,162.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.178(g)(2): Battery changing and charging installations for industrial trucks were not provided with facilities for flushing and neutralizing spilled electrolyte:

Employees engaged in material handling and distribution operations in the Swing Dock Area located at 4410 South 36th Street, Omaha, Nebraska 68107, were exposed to chemical burn hazards in that employees were not provided with a spill kit for flushing and neutralizing chemical spills related to servicing forklift batteries.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

1910.178(g)(7): When charging batteries, acid shall be poured into water; water shall not be poured into acid.

Employees engaged in material handling and distribution operations at 4410 South 36th Street, Omaha, Nebraska 68107, Swing Dock Area, were exposed to chemical hazards in that employees were servicing the forklift batteries by adding water to batteries already containing acid.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

January 16, 2024  
\$0.00

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: Nebraska Beef, Ltd, dba Nebraska Beef**  
**Inspection Site: 4501 South 36th Street, Omaha, NE 68107**

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

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

Employees engaged in material handling and distribution activities at the locations listed below were exposed to struck-by and crushing hazards due to the employer failing to provide training and evaluation as outlined in the standard:

- 1) Main Shipping Area located at 4501 South 36th Street, Omaha, Nebraska 68107.
- 2) Swing Dock Area located at 4410 South 36th Street, Omaha, Nebraska 68107.

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

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$13,394.00

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

**Inspection Number:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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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 7 a** Type of Violation: **Serious**

29 CFR 1910.303(b)(1)(ii): Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided;

Employees engaged in distribution operations in the Main Shipping Area located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical hazards in that the employees utilizing the electrical switch for dock leveler number 2 were exposed to live parts. The door on the electrical box was damaged creating a gap exposing the live parts within. This door was fabricated in house to replace the manufacturers original equipment.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$8,929.00

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:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.303(b)(2): Installation and use. Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.

Employees engaged in distribution operations in the Main Shipping Area located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical hazards in that the employees utilizing the electrical switch for dock leveler number 2 were exposed to live parts. The door was fabricated in house to replace the manufacturers original equipment and did not have any listing or labeling.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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:** 1687531  
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**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

Employees engaged in material handling and distribution operations in the Main Shipping Area located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical shock and fire hazards in that employees were using a 120-volt outlet without faceplate between door docks # 4-5 to power their glue gun.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$13,394.00

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:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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 9 a** Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(iii)(D): The raceway is sealed or plugged at the outer end using approved means so as to prevent access to the enclosure through the raceway;

Employees engaged in material handling and distribution operations in the Main Shipping area located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical and fire hazards in that the raceways were not sealed or plugged. Instances of exposure include but are not limited to:

- a. The top conduit entering dock leveler enclosure #1 was not sealed or plugged.
- b. The top conduit entering dock leveler enclosure #12 was not sealed or plugged.
- c. The top conduit entering dock leveler enclosure #7 was not sealed or plugged.
- d. The signal light between #6-7 docks was not sealed or plugged.
- e. The signal light between docks #4-5 was not sealed or plugged.

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.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6,696.00



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.305(b)(1)(iii)(F): The raceway is fastened at its outer end and at other points as necessary;

Employees engaged in material handling and distribution operations in the Main Shipping Area located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical and fire hazards in that the raceways were not fastened at its outer end and other points. Instances of exposure include but are not limited to:

- a. The top conduit entering dock leveler enclosure #1 was not fastened at its outer end.
- b. The top conduit entering dock leveler enclosure #12 was not fastened at its outer end.
- c. The top conduit entering dock leveler enclosure #7 was not fastened at its outer end.
- d. The signal light between #6-7 docks was not fastened at its outer end.
- e. The signal light between docks #4-5 was not fastened at its outer end.

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.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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

**Inspection Number:** 1687531  
**Inspection Date(s):** 08/01/2023 - 11/16/2023  
**Issuance Date:** 12/18/2023



**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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

29 CFR 1910.305(g)(1)(iv)(D): Flexible cords and/or cables in use were attached to building surfaces;

Employees engaged in material handling and distribution operations in the Main Shipping Area located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical and fire hazards in that the extension cord plugged in to a 120-volt outlet was zip tied to the electrical conduit located in the main shipping department, dock #12.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6,696.00

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: Nebraska Beef, Ltd, dba Nebraska Beef**  
**Inspection Site: 4501 South 36th Street, Omaha, NE 68107**

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.334(a)(2)(i): Portable cord and plug connected equipment and flexible cord sets (extension cords) shall be visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jacket or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket). Cord and plug connected equipment and flexible cord sets (extension cords) which remain connected once they are put in place and are not exposed to damage need not be visually inspected until they are relocated.

Employees engaged in material handling and distribution operations in the Main Shipping Area of the facility located at 4501 South 36th Street, Omaha, Nebraska 68107, were exposed to electrical and fire hazards in that the employer failed to conduct inspections of flexible cord supplying power to equipment within the facility. Instances include but are not limited to:

1. A damaged flexible cord running from a 120v outlet and supplying power to the 30" heavy duty drum fan near Dock #1.
2. A flexible cord running from a 120v outlet and supplying power to battery station located on the opposite side of Dock #12.

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.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6,696.00





**Citation and Notification of Penalty**

**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107

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 - Serious**

29 CFR 1910.303(g)(2)(i)(A): By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

The employer is failing to protect employees from electrocution hazards associated with unqualified employees accessing energized hydraulic dock leveler enclosures #1-12 when performing material handling and distribution operations in the shipping department. This was most recently documented on or about August 1st, 2023, at 4501 South 36th Street, Omaha, Nebraska, 68107.

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:	January 16, 2024
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: Nebraska Beef, Ltd, dba Nebraska Beef**  
**Inspection Site: 4501 South 36th Street, Omaha, NE 68107**

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

29 CFR 1910.332(b)(2): Employees, who were not qualified persons, were not trained in and familiar with any electrically related safety practices not specifically addressed by 29 CFR 1910.331 through 29 CFR 1910.335, but which were necessary for their safety:

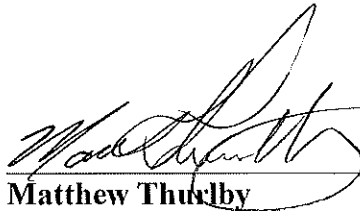
The employer is failing to protect employees from electrocution hazards associated with untrained employees accessing energized hydraulic dock leveler enclosures #1-12 when performing material handling and distribution operations in the shipping department. This was most recently documented on or about August 1st, 2023, at 4501 South 36th Street, Omaha, Nebraska, 68107. The employer failed to ensure the employees accessing the manual override switch located within the hydraulic dock leveler enclosures without having been instructed or trained in the recognition of the hazards associated with working on or around energized electrical circuits or equipment and the methods to mitigate those hazards.

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:

January 16, 2024  
\$0.00

  
Matthew Thurlby  
Area Director



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



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Nebraska Beef, Ltd, dba Nebraska Beef  
**Inspection Site:** 4501 South 36th Street, Omaha, NE 68107  
**Issuance Date:** 12/18/2023

Summary of Penalties for Inspection Number: 1687531

Citation 1 Item 1a, Serious	\$11,162.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 2a, Serious	\$13,394.00
Citation 1 Item 2b, Serious	\$0.00
Citation 1 Item 3, Serious	\$15,625.00
Citation 1 Item 4, Serious	\$11,162.00
Citation 1 Item 5a, Serious	\$11,162.00
Citation 1 Item 5b, Serious	\$0.00
Citation 1 Item 5c, Serious	\$0.00
Citation 1 Item 6, Serious	\$13,394.00
Citation 1 Item 7a, Serious	\$8,929.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 8, Serious	\$13,394.00
Citation 1 Item 9a, Serious	\$6,696.00
Citation 1 Item 9b, Serious	\$0.00
Citation 1 Item 10, Serious	\$6,696.00
Citation 1 Item 11, Serious	\$6,696.00
Citation 2 Item 1a, Willful - Serious	\$156,259.00
Citation 2 Item 1b, Willful - Serious	\$0.00

**TOTAL PROPOSED PENALTIES:** **\$274,569.00**

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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 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.

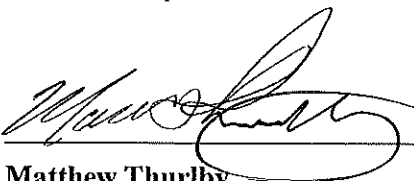
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

  
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**Matthew Thurlby**  
Area Director

12/18/2023  
\_\_\_\_\_  
Date