

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202  
316-269-6644 Fax: 316-269-6185



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## Citation and Notification of Penalty

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**To:**  
Gavilon Grain, LLC  
and its successors  
5755 S. Hoover Rd.  
Wichita, KS 67215

**Inspection Number:** 1285649  
**Inspection Date(s):** 01/02/2018 - 04/26/2018  
**Issuance Date:** 06/28/2018

**Inspection Site:**  
5755 S. Hoover Rd.  
Wichita, KS 67215

*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.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(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. 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).

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**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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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.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/28/2018. The conference will be held by telephone or at the OSHA office located at 100 N. Broadway, Suite 470, Wichita, KS 67202 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1285649**

Company Name: Gavilon Grain, LLC  
Inspection Site: 5755 S. Hoover Rd., Wichita, KS 67215  
Issuance Date: 06/28/2018

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, 100 N. Broadway, Suite 470, Wichita, KS 67202**

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

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Inspection Date(s): 01/02/2018 - 04/26/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

The employer is failing to prevent employee exposure to grain engulfment hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees working in and around bin 1100 for bin cleaning were provided inadequate training on specific procedures and safety practices applicable to safely conduct their job tasks including but not limited to bin entry, rescue, and hazard identification.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.**

Date By Which Violation Must be Abated: 07/25/2018  
Proposed Penalty: \$12934.00

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

Inspection Number: 1285649  
Inspection Date(s): 01/02/2018 - 04/26/2018  
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**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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Citation 1 Item 2 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:

The employer is failing to prevent employee exposure to grain engulfment hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees acting as observers for bin 1100 entry operations were not adequately trained in rescue procedures.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/25/2018  
\$12934.00

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  
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Inspection Date(s): 01/02/2018 - 04/26/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside grain storage structures in the grain handling facility were not disconnected, locked out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods.

The employer is failing to prevent employee exposure to grain engulfment hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees entered into bin 1100, with approximately 4000 bushels of soybeans, to break apart a blockage in the drain spout/chute when the conveyor belt below was activated without a grate covering the opening. During the entry, the employees became engulfed/entrapped in the flowing grain created by the running tunnel conveyor belt.

- a) Drain spout/chutes was not locked out/tagged out or blocked by other means
- b) Conveyor belt in the tunnel below bin 1100 was not locked out/tagged out

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/25/2018  
\$129336.00

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

Inspection Number: 1285649  
Inspection Date(s): 01/02/2018 - 04/26/2018  
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**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.272(g)(2): Whenever an employee enters a grain storage structure from a level at or above the level of the stored grain or grain products, or whenever an employee walks or stands on or in stored grain of a depth which poses an engulfment hazard, the employer shall equip the employee 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. Exception: Where the employer can demonstrate that the protection required by this paragraph is not feasible or creates a greater hazard, the employer shall provide an alternative means of protection which is demonstrated to prevent the employee from sinking further than waist-deep in the grain.

The employer is failing to prevent employee exposure to grain engulfment hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees entered grain bin 1100 without a lifeline connected to their body harnesses to break apart a blockage in the drain hole with approximately 4000 bushels of soybeans. Employees were able to sink greater than waist deep into soybeans without a non-entry retrieval mechanism.

**29 CFR 193.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated: 07/25/2018  
Proposed Penalty: \$129336.00

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

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**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

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:

The employer is failing to prevent employee exposure to grain engulfment hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees engaged in bin cleaning activities were not provided with rescue equipment specifically suited for the bin entered and lifelines were not in the immediate area of the bin 1100 prior to entry.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:

07/25/2018

U.S. Department of Labor  
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Inspection Date(s): 01/02/2018 - 04/26/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

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:

The employer is failing to prevent employee exposure to grain engulfment hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees entered bin 1100 to break apart a blockage from the drain hole while bridging and buildup conditions existed in approximately 4000 bushels of soybeans.

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/25/2018  
\$129336.00

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

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Inspection Date(s): 01/02/2018 - 04/26/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

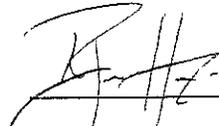
29 CFR 1910.28(b)(3)(i): The employer did not ensure each employee was protected from falling through any hole that was 4 feet (1.2 m) or more above a lower level by one or more of the following:

The employer is failing to prevent employee exposure to fall hazards associated with grain bin entry to include cleaning activities. The condition was most recently observed on January 2, 2018, at 5755 S Hoover Rd., Wichita, Kansas. Employees placing the mechanical shovel equipment into bin 1100 were exposed to fall hazards of up to approximately one hundred (100) feet in that fall protection was not used when the grating was removed from the floor opening.

Gavilon Grain, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.23(a)(3)(ii), which was contained in OSHA inspection number 725042, citation number 1, item number 2, and was affirmed as a final order on 04/21/2014, with respect to a workplace located at 5755 S Hoover Rd., Wichita, Kansas 67216.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated: 07/25/2018  
Proposed Penalty: \$50815.00

  
Ryan Hodge  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202  
316-269-6644 Fax: 316-269-6185



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215  
**Issuance Date:** 06/28/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1285649</b>
<b>Citation 1, Serious</b>	<b>\$25868.00</b>
<b>Citation 2, Willful</b>	<b>\$388008.00</b>
<b>Citation 3, Repeat</b>	<b>\$50815.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$464691.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
**Ryan Hodge**  
Area Director

6/28/2018  
\_\_\_\_\_  
Date

## U.S. Department of Labor

Occupational Safety and Health Administration  
100 N. Broadway  
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316-269-6644 Fax: 316-269-6185



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## Citation and Notification of Penalty

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**To:**  
Gavilon Grain, LLC  
and its successors  
5755 S. Hoover Rd.  
Wichita, KS 67215

**Inspection Number:** 1286170  
**Inspection Date(s):** 01/05/2018 - 01/05/2018  
**Issuance Date:** 06/28/2018

**Inspection Site:**  
5755 S. Hoover Rd.  
Wichita, KS 67215

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/28/2018. The conference will be held by telephone or at the OSHA office located at 100 N. Broadway, Suite 470, Wichita, KS 67202 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1286170**

Company Name: Gavilon Grain, LLC  
Inspection Site: 5755 S. Hoover Rd., Wichita, KS 67215  
Issuance Date: 06/28/2018

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, 100 N. Broadway, Suite 470, Wichita, KS 67202**

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  
\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Date  
\_\_\_\_\_  
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: 1286170  
Inspection Date(s): 01/05/2018 - 01/05/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

29 CFR 1910.23(d)(13)(ii): Fixed ladders must maintain a minimum perpendicular distance of 30 inches (76 cm) from the centerline of the steps or rungs to the nearest object on the climbing side:

The employer is failing to protect employees from fall hazards associated access and egress to grain tunnels, not providing adequate space to safely climb fixed ladders. This was most recently documented on or about Jan 4, 2018 at the Gavilon Grain Facility located at 5755 S Hoover Rd Wichita KS. The employer did not ensure adequate space to safety climb fixed ladders. The fixed ladder located in the tunnel area between bin series 200 and 600 was found to provide approximately 25 inches of clearance from the centerline of the rungs to the nearest obstruction, or a reduced clearance deflection plate.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated: 07/25/2018  
Proposed Penalty: \$10163.00

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: 1286170  
Inspection Date(s): 01/05/2018 - 01/05/2018  
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**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: Guardrail systems, safety net systems, or personal fall arrest systems:

The employer is failing to protect employees from hazards associated with grain elevator operations, and maintenance activities. This was most recently documented on or about Jan 4, 2018 at the Gavilon Grain Facility located at 5755 S Hoover Rd Wichita KS. The employer did not provide conventional fall protection systems, such as guardrails, for the unguarded side or edges of a working platform on the 2nd floor of the head house

**29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated: 07/25/2018  
Proposed Penalty: \$10163.00

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: 1286170  
Inspection Date(s): 01/05/2018 - 01/05/2018  
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**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

29 CFR 1910.28(b)(11)(ii): Each flight of stairs having at least 3 treads and at least 4 risers was not equipped with stair rail systems and handrails as required by this section:

The employer is failing to protect employees from fall hazards associated with employees engaged in, but not limited to housekeeping and maintenance activities. This was most recently documented on or about Jan 4, 2018 at the Gavilon Grain Facility located at 5755 S Hoover Rd Wichita KS. This was documented in the tunnel area between the 1100 series bins and the 900 series bins. In the tunnel area between bins 900 and 1100, employees engaged in, but not limited to housekeeping and maintenance activities, were exposed to fall hazards in that the stairs having more than 3 treads and 4 risers were not equipped with a stair rail.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/25/2018  
\$6097.00

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

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Inspection Date(s): 01/05/2018 - 01/05/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

29 CFR 1910.36(d)(1): Employees were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge.

The employer is failing to protect employees from fire hazards associated with grain elevator operations, maintenance and housekeeping activities. This was most recently documented on or about Jan 4, 2018 at the Gavilon Grain Facility located at 5755 S Hoover Rd Wichita KS. At the south west corner of the concrete bins, the fixed egress ladder to be used for emergency egress from the bin deck had a locked door approximately 10 feet from the bottom of the ladder impeding employees ability for safe emergency egress.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated: 07/25/2018  
Proposed Penalty: \$10163.00

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

Inspection Number: 1286170  
Inspection Date(s): 01/05/2018 - 01/05/2018  
Issuance Date: 06/28/2018



**Citation and Notification of Penalty**

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215

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

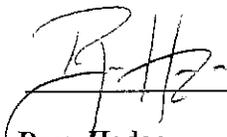
29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet:

The employer is failing to protect employees from fire hazards associated with improperly storing compressed gas cylinders. This was most recently documented on or about Jan 4, 2018 at the Gavilon Grain Facility located at 5755 S Hoover Rd Wichita KS. At the north side of the maintenance shop, employees engaged in material handling and other activities were exposed to fire hazard in that oxygen and acetylene compressed gas cylinders were found to be stored immediately next to each other and were not separated by a 1 hour, 5 foot tall fire rated wall.

**29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is complete.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6097.00

  
\_\_\_\_\_  
**Ryan Hodge**  
Area Director

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

U.S. Department of Labor  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202  
316-269-6644 Fax: 316-269-6185



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Gavilon Grain, LLC  
**Inspection Site:** 5755 S. Hoover Rd., Wichita, KS 67215  
**Issuance Date:** 06/28/2018

<b>Summary of Penalties for Inspection Number</b>	1286170
<b>Citation 1, Serious</b>	\$42683.00
<b>TOTAL PROPOSED PENALTIES</b>	\$42683.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

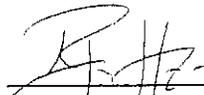
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

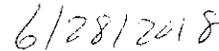
**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



**Ryan Hodge**  
Area Director



Date