

## U.S. Department of Labor

Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



# Citation and Notification of Penalty

**To:**  
AMERICAN WALNUT COMPANY LLC  
2801 S. 2nd Street  
Saint Joseph, MO 64501

**Inspection Number:** 1301374  
**Inspection Date(s):** 03/13/2018 - 09/05/2018  
**Issuance Date:** 09/06/2018

**Inspection Site:**  
2801 S. 2nd Street  
Saint Joseph, MO 64501

*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 816-483-9531. 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 on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



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## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/06/2018. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1301374

Company Name: AMERICAN WALNUT COMPANY LLC  
Inspection Site: 2801 S. 2nd Street, Saint Joseph, MO 64501  
Issuance Date: 09/06/2018

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, 2300 Main Street, Suite 168, Kansas City, MO 64108**

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:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

The employer is failing to protect employees from electrical hazards from a damaged hoist pendant control. This was most recently documented on or about April 12, 2018, at the American Walnut Company, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri. The CM Valustar 2 Ton Hoist in the Northeast Section of the Circle Mill, also known as the Log Deck, had a damaged pendant control.

Among other methods, one feasible and acceptable abatement method is to:

- a) Repair or replace the pendant control as required by ASME B30.17-2015- Cranes and Monorails (With Underhung Trolley or Bridge), Section 17-1.14.1(e) and 17-1.14.2 to ensure that pendant controls are maintained in a safe and serviceable condition.
- b) Perform frequent and periodic inspections as required by ASME B30.17-2015 - Cranes and Monorails (With Underhung Trolley or Bridge), Section 17-2.1.4 and 17-2.1.5 to ensure that the hoists and pendant controls are maintained in a safe and serviceable condition.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5691.00

**U.S. Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 1301374

**Inspection Date(s):** 03/13/2018 - 09/05/2018

**Issuance Date:** 09/06/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.28(b)(3)(i)(A): The employer did not ensure that each employee on a walking-working surface was protected from falling into any hole or pit that was 4 feet (1.2 m) or more above a lower level by a cover or covers:

The employer is failing to protect employees from fall into hazards. This was most recently documented on or about April 12, 2018, at American Walnut Company, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri.

(a) The employer did not provide a cover for a floor hole opening measuring approximately 22.5 inches long and 5 inches wide. The hole is located at the top of the ladder on the northwest section of the Hog platform.

(b) The employer did not provide a cover for a floor hole opening measuring 9.5 inches wide by 26 inches long. The hole is located in the Circle Mill adjacent to the log deck.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/11/2018

Proposed Penalty:

\$8536.00

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:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.28(b)(6)(ii)(A): Employees 4 feet (1.2m) or more above dangerous equipment were not protected from falling by: (A) a Guardrail system.

The employer is failing to protect employees from fall hazards while moving, aligning, and adjusting logs. This was most recently documented on or about April 12, 2018, at American Walnut Company, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri. The employer did not provide a guardrail system for a hole measuring approximately 29 inches long, by 24 inches wide and more than 6 feet deep. The hole is located adjacent to the chain conveyor at the Log Deck inside the Circle Mill. Inside this hole is a log lift and another moving chain conveyor that moves log debris to other parts of the facility.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/11/2018

Proposed Penalty:

\$9959.00



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

Inspection Number: 1301374  
Inspection Date(s): 03/13/2018 - 09/05/2018  
Issuance Date: 09/06/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE)

The employer is failing to protect employees from fall, caught-in and crushing hazards while working at the Hog Station. This was most recently documented on or about March 13, 2018 at American Walnut, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri. The employer did not conduct a Job Hazard Assessment of the tasks related to the operation of equipment associated with the Hog to determine proper fall protection or fall restraint systems to be utilized when employees are operating the Hog.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/11/2018

Proposed Penalty:

\$9959.00

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:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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**Citation 1 Item 5** 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:

The employer is failing to protect employees from stored or residual energy sources such as electrical and mechanical hazards while performing servicing or maintenance to the Hog. This was most recently documented on or about March 13, 2018, at American Walnut, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri. The employer did not provide machine specific lockout/tagout procedures to be used by employees to prevent the unexpected energization, start up or release of stored energy for the Hog.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/11/2018  
\$9959.00



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO-64501

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

29 CFR 1910.265(c)(4)(iv): Elevated walk(s) and runway(s), more than 6 feet or more from floor level, were not provided with both a standard railing and a toe board:

The employer is failing to protect employees from fall and struck-by hazards. This was most recently documented on or about March 13, 2018, at American Walnut Company, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri.

The employer did not provide a standard railing and toe board at the first landing when exiting the ladder on the northwest section of the Hog adjacent to the north end of the top chain conveyor system. Employees were exposed to falls of approximately 16 feet to ground from the hog deck, and struck by hazards such as falling materials and tools while working underneath the hog deck platform.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/11/2018

Proposed Penalty:

\$9959.00

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

Inspection Number: 1301374  
Inspection Date(s): 03/13/2018 - 09/05/2018  
Issuance Date: 09/06/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.265(c)(4)(v): (v) Elevated platforms. Where elevated platforms are used routinely on a daily basis, they were not equipped with stairways or fixed ladders that comply with 29 CFR part 1910, subpart D.

The employer is failing to protect employees from a fall hazard. This was most recently documented on or about March 13, 2018, at American Walnut Company, LLC, located at 2801 South 2nd Street, Saint Joseph, Missouri. The employer did not ensure the fixed metal ladder used to access the Hog platform had a minimum perpendicular distance of 7 inches from the top 2 ladder rungs to the steel platform structure.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/11/2018  
\$9959.00

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:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.265(c)(18)(i): Conveyor(s) installed within 7 feet of the floor or walkway surface were not provided with crossover(s) or passageway(s):

The employer is failing to protect employees from slip, trip and fall hazards when crossing over a raised conveyor. This was most recently documented on or about March 13, 2018, at the American Walnut Company, LLC located at 2801 South 2nd Street, Saint Joseph, Missouri. The employer did not provide a crossover platform over the conveyor for employees to access and egress to and from the Hog operator station to the Hog deck per American National Standard B20.1-1957 Section 705a.

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

Date By Which Violation Must be Abated:

10/11/2018

Proposed Penalty:

\$5691.00



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.305(b)(1)(i): Openings through which conductors entered cutout boxes, cabinets, or fittings were not effectively closed:

The employer is failing to protect employees from electrical and fire hazards while operating the bandsaw and/or performing housekeeping tasks near and around the bandsaw. This was most recently documented on or about April 12, 2018, at American Walnut Company, LLC located at 2801 South 2nd Street, Saint Joseph, Missouri.

(a) There was a fitting that was not effectively closed in a junction box at the left side of Bandsaw #1 near the floor in the Gun Room.

(b) There was an open knockout that was not effectively closed in a junction box at the left side of Bandsaw #1 near the floor in the Gun Room.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$7114.00



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven -7 feet or less above floors or platforms were not enclosed:

(a) The employer is failing to protect employees from amputation hazards while performing grading work. This was most recently documented on or about April 12, 2018, at American Walnut Company, LLC located at 2801 South 2nd Street, Saint Joseph, Missouri. The chain and sprocket driving the scrap conveyor adjacent to the Grader Station in the Gun Room, located approximately 4.5 feet from the floor was inadequately guarded exposing employees to in-running nip points of the chain and sprocket.

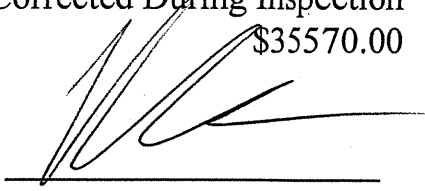
(b) The employer is failing to protect employees from amputation hazards while operating the Band Saw and performing housekeeping tasks near and around Band Saw. This was most recently documented on or about April 12, 2018, at American Walnut Company, LLC at 2801 South 2nd Street, Saint Joseph, Missouri. The chain and sprocket located approximately 2 feet from the floor underneath the scrap conveyor adjacent Band Saw # 1 inside the Gun Room was not guarded.

The American Walnut Company, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.219(f)(3), which was contained in OSHA inspection number 1204270, citation number 1, item number 4 and was affirmed as a final order on June 2, 2017, with respect to a workplace located at 2801 South 2nd Street, Saint Joseph, MO.

29 CFR 1903.19(c)(2) abatement for the above violation was verified at the time of the inspection, no certification is required.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$35570.00

  
Karena Lorek  
Area Director

U.S. Department of Labor  
Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** AMERICAN WALNUT COMPANY LLC  
**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501  
**Issuance Date:** 09/06/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1301374</b>
<b>Citation 1, Serious</b>	<b>\$76827.00</b>
<b>Citation 2, Repeat</b>	<b>\$35570.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$112397.00</b>

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

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

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



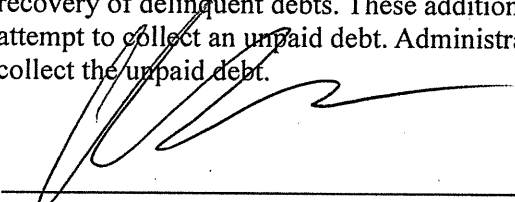
account, the bank will attempt to make the transfer up to 2 times.

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

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

  
\_\_\_\_\_  
**Karena Lorek**  
Area Director

  
\_\_\_\_\_  
Date

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



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## Citation and Notification of Penalty

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**To:**  
AMERICAN WALNUT COMPANY LLC  
2801 S. 2nd Street  
Saint Joseph, MO 64501

**Inspection Number:** 1306773  
**Inspection Date(s):** 04/05/2018 - 04/05/2018  
**Issuance Date:** 09/06/2018

**Inspection Site:**  
2801 S. 2nd Street  
Saint Joseph, MO 64501

*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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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 on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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

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



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## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 09/06/2018. The conference will be held by telephone or at the OSHA office located at 2300 Main Street, Suite 168, Kansas City, MO 64108 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 1306773**

Company Name: AMERICAN WALNUT COMPANY LLC  
Inspection Site: 2801 S. 2nd Street, Saint Joseph, MO 64501  
Issuance Date: 09/06/2018

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, 2300 Main Street, Suite 168, Kansas City, MO 64108~~

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:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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 1910.95(i)(2)(i): The employer did not ensure that hearing protectors are worn by an employee who is required by 29 CFR 1910.95(b)(1) to wear personal protective equipment:

The employer is failing to protect employees exposed to serious noise hazards. This was most recently observed on or about April 12, 2018 when employees including a grader and drawer were observed without hearing protection while working in areas requiring use of hearing protection.

1. A grader working adjacent to a bandsaw in the gunroom/sawmill was observed working without hearing protection on April 12, 2018. Full shift sampling of multiple employees working at this location on April 18, 2018 indicated that the employee was exposed to continuous noise up to 154% of the permissible daily noise (8-hour time-weighted average sound level of 90dBA) or an equivalent sound level of approximately 93.2 decibels. Noise sample was taken for 473 minutes; exposure calculations included a zero increment for the 7 minutes not sampled.

2. A drawer working adjacent to a bandsaw in the gunroom/sawmill was observed working without hearing protection on Full shift sampling of multiple employees working at this location on April 18, 2018 indicated that the employee was exposed to continuous noise up to 154% of the permissible daily noise (8-hour time-weighted average sound level of 90dBA) or an equivalent sound level of approximately 93.2 decibels. Noise sample was taken for 473 minutes; exposure calculations included a zero increment for the 7 minutes not sampled.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/27/2018

Proposed Penalty:

\$9959.00

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:** 1306773

**Inspection Date(s):** 04/05/2018 - 04/05/2018

**Issuance Date:** 09/06/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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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.





**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.95(i)(2)(ii)(A): The employer did not ensure that hearing protectors are worn by any employee who is exposed to an 8-hour time-weighted average of 85 decibels or greater and has not yet had a baseline audiogram established pursuant to 29 CFR 1910.95(g)(5)(ii):

The employer is failing to protect employees exposed to serious noise hazards. This was most recently documented on or about April 12, 2018 when multiple employees were observed working without hearing protection in the gunroom/sawmill and "Jay's House." At least two of the employees had not yet had a baseline audiogram established.

1. A sawyer operating a bandsaw in the gunroom/sawmill was observed working without hearing protection on April 12, 2018. Full shift sampling of this employee on April 18, 2018 indicated that the employee was exposed to continuous noise at 97.6% of the permissible daily noise (8-hour time-weighted average sound level of 90dBA) or an equivalent sound level of approximately 89.8 decibels. Noise sample was taken for 476 minutes; exposure calculations included a zero increment for the 4 minutes not sampled. This employee had not yet received a baseline audiogram.

2. An employee working at the planer in "Jay's House" was observed without hearing protection on April 12, 2018. Full shift sampling of the employee on April 18, 2018 indicated that the employee was exposed to continuous noise at 97.8% of the permissible daily noise (8-hour time-weighted average sound level of 90dBA) or an equivalent sound level of approximately 89.8 decibels. Noise sample was taken for 464 minutes; exposure calculations included a zero increment for the 16 minutes not sampled. This employee had not yet received a baseline audiogram.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/27/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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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 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE)

The employer is failing to protect employees from hazards of contact with chemicals. This was most recently documented on April 18, 2018, when the employer had not conducted a job hazard assessment to determine appropriate PPE for tasks involving the use of diesel fuel in the sawmill/gunroom. Employees spray diesel fuel using plastic spray bottles to lubricate saws throughout work shifts.

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

Date By Which Violation Must be Abated:

09/27/2018

Proposed Penalty:

\$4268.00



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.138(a): The employer did not select and require employees to use appropriate hand protection when employees hands were exposed to hazardous condition(s).

The employer is failing to protect employees from hazards of contact with toxic and irritating chemicals. This was most recently documented on April 18, 2018, when employees working in the gunroom/sawmill used diesel fuel to lubricate band saws. Employees were provided with and leather work gloves and cloth gloves with rubberized grips for optional use in this work area; provided glove materials are permeable to diesel fuel.

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

Date By Which Violation Must be Abated:

09/27/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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 3 a** Type of Violation: **Serious**

29 CFR 1910.265(c)(20)(ii): Machine(s) that created dust, shavings, chips, or slivers during a period of time equal to or greater than one-fourth of the working day were not equipped with collecting system(s) of sufficient strength and capacity to enable it to remove such refuse from points of operation and immediate vicinities of machines and work areas:

The employer is failing to protect employees from serious fire and slip hazards. This was most recently documented on April 12 and 18, 2018, when wood dust had accumulated on and immediately surrounding multiple machines located in the sawmill/gunroom.

- 1) Bandsaw #1 was not equipped with a collection system that was sufficient to remove refuse from the point of operation. Dust had accumulated on the floor surrounding the machine to depths exceeding 1 inch and showing clear footprints, on damaged electrical fixtures on the machine, against the adjacent conveyer installation to depths exceeding 1 inch, and within the chains and sprockets of the conveyer adjacent to bandsaw #1.
- 2) Bandsaw #3 was not equipped with a collection system that was sufficient to remove refuse from the point of operation. Dust had accumulated on the floor surrounding the machine, against the adjacent conveyer installation, and against ceiling supports and wood debris piles surrounding the machine.
3. The chop saw was not equipped with a collection system that was sufficient to remove refuse from the point of operation. Dust had accumulated on the machine, which had damaged cover over electrical controls, the floor surrounding the machine, on the base of the machine, against ceiling supports and wood piles surrounding the machine.

Date By Which Violation Must be Abated:

09/27/2018

Proposed Penalty:

\$8536.00

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:** 1306773  
**Inspection Date(s):** 04/05/2018 - 04/05/2018  
**Issuance Date:** 09/06/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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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.



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.265(c)(20)(iii): Exhaust or conveyor systems. Each woodworking machine that creates dust, shavings, chips, or slivers shall be equipped with an exhaust or conveyor system located and adjusted to remove the maximum amount of refuse from the point of operation and immediate vicinity.

The employer is failing to protect employees from serious fire and slip hazards. This was most recently documented on April 12 and 18, 2018, when wood dust had accumulated on and immediately surrounding multiple machines located in the sawmill/gunroom.

- 1) Bandsaw #1 was not equipped with an exhaust system that was located and adjusted to remove dust/shavings/chips, etc., away from the point of operation. Dust had accumulated on the floor surrounding the machine to depths exceeding 1 inch and showing clear footprints, on damaged electrical fixtures on the machine, against the adjacent conveyor installation to depths exceeding 1 inch, and within the chains and sprockets of the conveyor adjacent to bandsaw #1.
- 2) Bandsaw #3 was not equipped with an exhaust system that was located and adjusted to remove dust/shavings/chips, etc., away from the point of operation. Dust had accumulated on the floor surrounding the machine, against the adjacent conveyor installation, and against ceiling supports and wood debris piles surrounding the machine.
3. The chop saw was not equipped with an exhaust system that was located and adjusted to remove dust/shavings/chips, etc., away from the point of operation. Dust had accumulated on the machine, which had damaged cover over electrical controls, the floor surrounding the machine, on the base of the machine, against ceiling supports and wood piles surrounding the machine.

Date By Which Violation Must be Abated:

09/27/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

The employer is failing to protect employees from serious explosion and fire hazards by ensuring that electrical installations in hazardous (classified) locations were intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location. This was most recently documented on April 18, 2018, when wood dust had accumulated on electrical fixtures, and within light fixtures suspended from the ceiling. Dust collected from surfaces within "Behind the Office" and "Jay's House" was identified as a Class II Dust; it had a Kst of 24.72, Pressure Ratio of 8.61, and an Explosion Severity of 2.0900.

1) Wood dust accumulation in the "Behind the Office" building was observed on electrically powered bandsaws and microwave, on electrical panels and receptacles mounted on the walls and saws, and within light fixtures.

2) Wood dust accumulation in "Jay's House" building was observed within light fixtures and on electrical panels and receptacles mounted on the walls.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/09/2018

Proposed Penalty:

\$9959.00

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:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

The employer is failing to protect employees from fire hazards and exposure to toxic chemicals. This was most recently observed on or about April 18, 2018 when spray bottles of diesel fuel used for saw lubrication throughout the gunroom/sawmill were not labeled to identify their contents and hazards.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

09/27/2018

Proposed Penalty:

\$4268.00





### **Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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#### **Citation 2 Item 1**    Type of Violation: **Repeat**

29 CFR 1910.22(a)(1): The employer did not ensure that all places of employment, passageways, storerooms, service rooms, and walking-working surfaces were kept in a clean, orderly, and sanitary condition.

The employer is failing to protect employees from serious explosion and fire hazards. This was most recently documented on April 18, 2018, when wood dust had accumulated on elevated surfaces throughout enclosed buildings; dust had accumulated on the surfaces of walls, wall ledges, on top of observable elevated beams and ductwork, and within light fixtures suspended from the ceiling. Dust collected from surfaces within enclosed buildings had a Kst of 24.72, Pressure Ratio of 8.61, and an Explosion Severity of 2.0900.

- 1) Wood dust accumulation in the "Behind the Office" building was observed on machinery and electrical fixtures, within light fixtures, covering the majority of wall surface from floor to ceiling discoloring the walls, as well as covering the tops of all beams and duct work visible from the floor. Dust accumulation depth was measured at approximately 1 inch on a wall ledge to the right of the microwave.
- 2) Wood dust accumulation in "Jay's House" building was observed within light fixtures, covering the majority of wall surface from floor to ceiling, discoloring the walls, covering the tops of all beams and duct work visible from the floor, and had accumulated on the ceiling to produce a "furry" texture over the full visible surface. Dust accumulation depth was measured at 3 locations on the wall ledge along the planer area. Dust accumulation was approximately 4/32 inch, 2 inches, and 3 inches at measurement locations.

American Walnut Company LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard (1910.22(a)(1)), which was contained in OSHA inspection number 959136, citation number 1, item number 1 and was affirmed as a final order on September 9, 2014, with respect to a workplace located at 2801 South 2nd Street, Saint Joseph, Missouri.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above

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:** 1306773  
**Inspection Date(s):** 04/05/2018 - 04/05/2018  
**Issuance Date:** 09/06/2018



**Citation and Notification of Penalty**

**Company Name:** AMERICAN WALNUT COMPANY LLC

**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501

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violation is complete.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

09/27/2018

**Proposed Penalty:**

\$49796.00

A handwritten signature in black ink, appearing to read "Karena Lorek", written over a horizontal line.

**Karena Lorek**  
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  
2300 Main Street  
Suite 168  
Kansas City, MO 64108



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## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** AMERICAN WALNUT COMPANY LLC  
**Inspection Site:** 2801 S. 2nd Street, Saint Joseph, MO 64501  
**Issuance Date:** 09/06/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1306773</b>
<b>Citation 1, Serious</b>	<b>\$36990.00</b>
<b>Citation 2, Repeat</b>	<b>\$49796.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$86786.00</b>

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

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

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

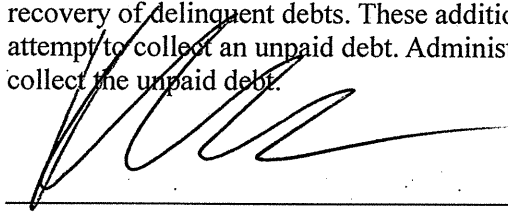
account, the bank will attempt to make the transfer up to 2 times.

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

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

  
\_\_\_\_\_  
**Karena Lorek**  
Area Director

  
\_\_\_\_\_  
Date

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Kansas City Area Office  
2300 Main Street, Suite 168  
Kansas City, MO 64108-2486



September 6, 2018

Mark Schmidtlein,  
~~American Walnut Company, LLC~~  
2801 South Second Street  
Saint Joseph, MO 64501

RE: Inspection # 1306773

Dear Mr. Schmidtlein:

OSHA received an internal health referral related to employee exposure to hazardous levels of noise throughout the wood processing and manufacturing areas. OSHA initiated the referral inspection (# 1306773) on April 5, 2018. The inspection revealed opportunities to improve employee health and safety in the following:

- Hearing Conservation Program Management
- Band Saw Lubrication Practices
- Respiratory Hazards posed by airborne wood dust

After reviewing relevant facts pertaining to the case, OSHA will not issue citation(s) on these specific hazards at this time. However, in the interest of workplace safety and health, I recommend you take steps to address the findings.

**Hearing Conservation Program Management**

A standard threshold shift (STS) identified through an employee's 2017 annual audiogram was not recorded on the OSHA 300 log.

Annual audiogram results were not evaluated to determine the effectiveness of the hearing conservation program.

Although our investigation did not reveal that this condition met the criteria for citation of 1904.10 or of 1910.95(d), we expect a prudent employer to take the necessary action to remove hazards from the workplace. Pursuant to Section 21 of the Act, which authorizes OSHA to train employer and employees about workplace hazards and appropriate abatement methods, it is recommended that the following steps be taken to eliminate or reduce the hazards described above:

1. Ensure that employee audiogram results are reviewed once received, and evaluated with respect to the requirements of 1904.10 and 1910.95(d).
2. Ensure that prompt action is taken to record work related Standard Threshold Shifts on OSHA 300 logs.

3. Ensure that potential hearing loss among employees are evaluated with respect to such factors including but not limited to;
  - a. Accuracy of most recent noise measurements with respect to actual employee exposure;
  - b. Consideration of potential unidentified sources of noise exposure;
  - c. Ratings and appropriate safety factors applied to provided hearing protection provide effective noise attenuation; and
  - d. ~~Employee and supervisor compliance with hearing conservation program.~~
4. Ensure that factors identified as potentially contributing to employee hearing loss are promptly and appropriately addressed through such means as:
  - a. Repeating or expanding exposure assessments;
  - b. Considering the use of available technologies to reduce noise levels in the workplace;
  - c. Offering and providing training on more effective hearing protection;
  - d. Ensuring that supervisors and employees are aware of expectations to enforce and follow the hearing conservation program;
  - e. Ensuring that employees understand the correct use of hearing protection, and that supervisors are able to provide or refer employees to assistance in correct use of hearing protection;
  - f. Providing education on work related causes of hearing loss, the additive effects of work and non-work related noise exposures on hearing loss, and possible signs of hearing loss that should be medically evaluated.
5. Ensure that the hearing conservation program is regularly updated as the above evaluations and actions demand.

### **Band Saw Lubrication Practices**

Employees spray diesel fuel from common household spray bottles to lubricate the band saw. This practice is concerning for at least the following reasons:

- Flash Fires
  - Spraying a Category 3 flammable liquid onto hot surfaces presents a risk to flash fires; Spraying a Category 3 flammable liquid generates unknown amounts of flammable vapor which may travel along floors and machinery to ignition sources including but not limited to live electrical components, space heaters, sparks potentially generated by metal machinery, and between metal tools and the concrete floor. A sawmill contains a large amount of combustible material which may allow flash fires to propagate throughout the facility, including wood for processing, product wood, and scrap wood, as well as waste sawdust.
- Respiratory and Ingestion Hazards
  - Application of the diesel fuel presents opportunities for inhalation and/or ingestion of petroleum distillates, kerosene, and naphthalene – chemicals which are recognized by OSHA and/or professional associations that may cause adverse health effects beyond scientifically and legally established levels; and
- Dermal Hazards

- The components of diesel fuel: petroleum distillates, kerosene, and naphthalene are absorbed through the skin thereby presenting a risk to adverse health effects.

The following recommendations may eliminate or otherwise minimize health and fire risks:

- Substitution / Removal
  - Evaluate and implement the use of alternative commercially available non-flammable lubricating products, such as products from other industry-recognized manufacturers.
- Engineering Controls
  - Evaluate the use of approved containers for employee use of lubricants during workshifts. Many plastics are known to degrade following repeated or continued exposure to petroleum products, including fuels, and unapproved containers may not prevent vapor from stored or residual diesel from escaping into the work area.
  - Consider installing a contained automated lubrication system on equipment requiring frequent lubrication.
  - Consider alternative mechanisms of application of lubricant, such as dripping or wiping the lubricant on necessary surfaces
  - Evaluate whether amounts of lubricant used may be reduced

### **Respiratory Hazards of Airborne Dust**

As wood is cut and abraded by machine, dust is generated and may become airborne in variable quantities.

- Inhalation of wood dust poses respiratory hazards, and is regulated under 1910.1000 (Air Contaminants), Table Z-1, as “particulates not otherwise regulated.” The permissible exposure limit (PEL) is listed as 15mg/m<sup>3</sup> for total dust, and as 5 mg/m<sup>3</sup> for the respirable fraction of dust.
- As part of the employer’s continued responsibility to assess hazards in the workplace and determine appropriate controls or personal protective equipment to protect against hazards, it is prudent to determine airborne dust levels and implement controls appropriate to the level measured.
  - Measurements must be repeated any time workplace changes such as types or amount of equipment operated or production levels change in manners which may affect dust levels.
- It is relevant that dust levels below that enforceable under 1910.1000 may cause significant discomfort or health effects to individual employees.


Additionally, walnut wood dust has been identified as a possible carcinogen (cancer causing substance), and is associated with nasal cancer in woodworkers. As such, it is expected that walnut dust be included in your Hazard Communication Program and a Safety Data Sheet disclosing the hazards of walnut wood dust be available for employee review.

Management commitment and employee involvement are important to assure that the above efforts are implemented in an effective manner.

You may provide the Kansas City Area OSHA Office with progress reports on your efforts to address these conditions voluntarily. If you are unable to address the conditions you are advised to seek assistance from an outside third party. If you have any questions, please feel free to contact the assigned Duty Officer at (816) 483-9531.

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Sincerely,



Karena Lorek  
Area Director

#### References:

OSHA Publication 3074 – Hearing Conservation

<https://www.osha.gov/Publications/OSHA3074/osha3074.html>

OSHA Safety and Health Topics: Occupational Noise Exposure

<https://www.osha.gov/SLTC/noisehearingconservation/hearingprograms.html>

Detailed Guidance for OSHA's Injury and Illness Recordkeeping Rule

<https://www.osha.gov/recordkeeping/entryfaq.html>

Sawmills E-Tool: Noise and Hearing Loss

<https://www.osha.gov/SLTC/etools/sawmills/noise.html>

Noise and Hearing Loss Prevention - Centers for Disease Control and Prevention (CDC) National Institute for Occupational Safety and Health (NIOSH)

<https://www.cdc.gov/niosh/topics/noise/default.html>

[https://www.osha.gov/SLTC/etools/woodworking/health\\_wooddust.html](https://www.osha.gov/SLTC/etools/woodworking/health_wooddust.html)