

Este documento es muy importante. Si No habla inglés,
busque un traductor o llame al (316) 269-6644.

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



June 2, 2016

Dear Pat Lies,

On 03/23/2016, an OSHA compliance officer met with you or your representative as part of an inspection at 524 E. Parallel St. Conway Springs, KS 67031. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Judy Freeman, Area Director

Your Citation Summary

The Farmers Cooperative Grain
Association

Inspection Number: 1134593

Total Amount Due: \$37800.00

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

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

Total Number of Violations : 13

Your First Correction Deadline is: 6/28/16

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

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

Option #1 – Discuss with OSHA

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

Option #2 – Correct and Pay

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

Option #3 – Contest the Citation

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

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

Step 2 – Complete One Option Checklist

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

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Ryan Hodge, Assistant Area Director, at (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

___ / ___



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

___ / ___

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

___ / ___



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

___ / ___

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

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

Option #3 – Contest the Citation

I will complete by:



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

___ / ___

U.S. Department of Labor

Occupational Safety and Health Administration
100 N. Broadway
Suite 470
Wichita, KS 67202
Phone: 316-269-6644 Fax: 316-269-6185



Citation and Notification of Penalty

To:
The Farmers Cooperative Grain Association
and its successors
P.O. Box 38
Conway Springs, KS 67031

Inspection Number: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016

Inspection Site:
524 E. Parallel St.
Conway Springs, KS 67031

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. 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. 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. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/02/2016. 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: 1134593

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031
Issuance Date: 06/02/2016

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



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.23(a)(2): Ladderway floor opening(s) or platform(s) were not guarded by a standard railing with standard toeboard(s) on all exposed sides (except at the entrance to opening) with passage through the railing either provided with a swinging gate or so offset that a person could walk directly into the opening:

Employees engaged in grain handling and maintenance activities were exposed to fall hazards in that the following ladderway openings were not sufficiently guarded:

- a) The ladderway opening leading down to the #3 boot pit. The gate in place was not installed to stop falls of approximately 8 feet to the lower level.
- b) The ladderway opening leading down to the main boot pit. A single chain was used to prevent falls of approximately 10 feet to the lower level.
- c) The ladderway opening leading down from the 300 section distributor level. No equipment was in place to prevent falls of approximately 4 feet 4 inches to the lower level.
- d) The ladderway opening leading down 200 drag motor platform. No equipment was in place to prevent falls of approximately 5 feet to the lower level.

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

Date By Which Violation Must be Abated: 06/28/2016
Proposed Penalty: \$3500.00

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

Inspection Number: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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 1910.110(b)(6)(ii): Each individual container shall be located with respect to the nearest important building or group of buildings in accordance with Table H-23.

Employees engaged in grain handling and maintenance activities were exposed to fire and explosion hazards in that the 250 gallon capacity propane tank located on the North wall of the maintenance shop was less than ten feet from the building.

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

Date By Which Violation Must be Abated:

06/28/2016

Proposed Penalty:

\$2100.00

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.110(d)(7)(i): Containers installed above ground, except as provided in paragraph (c)(7)(vii) of this section, shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

Employees engaged in grain handling and maintenance activities were exposed to fire and explosion hazards in that the propane tank located on the North wall of the maintenance shop was not on a firm masonry foundation.

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

Date By Which Violation Must be Abated:

06/28/2016

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

Inspection Number: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.110(d)(10): Precautions were not taken to prevent damage to LP gas system(s) from vehicular traffic:

Employees engaged in grain handling and maintenance activities were exposed to fire and explosion hazards in that the propane tank located on the North wall of the maintenance shop was not protected from vehicular traffic.

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

Date By Which Violation Must be Abated:

06/28/2016

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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 1910.111(b)(10)(ii): Stationary ammonia storage installation(s) did not have at least two suitable gas masks in readily-accessible locations:

Employees engaged in grain handling and maintenance activities were exposed to respiratory hazards in that gas masks were not readily-accessible when responding to an incident.

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:

06/28/2016
\$2800.00

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.134(d)(3)(i): The employer did not provide a respirator that was adequate to protect the health of the employee under routine and reasonably foreseeable emergency situations:

Employees engaged in grain handling and maintenance activities were exposed to respiratory hazards in that employees for whom respirators were provided and required had not been provided with a respirator to which the employee had been fit tested to ensure it was adequate to protect the health of the employee.

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

Date By Which Violation Must be Abated:

06/28/2016

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.134(e)(6)(i): The employer did not obtain from the physician or other licensed health care professional (PLHCP) a written recommendation regarding the employee's ability to use the respirator:

Employees engaged in grain handling and maintenance activities were exposed to respiratory hazards in that employees for whom respirators were provided and required had not received a written recommendation from a health care professional regarding the ability of the employee to use the respirator.

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

Date By Which Violation Must be Abated:

06/28/2016

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

Employees engaged in grain handling and maintenance activities were exposed to chemical hazards in that eye wash facilities were not provided when working with corrosive chemicals in the Northeast section of the chemical load out facility.

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

Date By Which Violation Must be Abated:	06/28/2016
Proposed Penalty:	\$2100.00

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

Employees engaged in grain handling and maintenance activities were exposed to fall and engulfment hazards in that a man basket was added to the John Deere forklift (Model 380-D Serial 209696T) that did not meet the hydraulic system design requirements to receive approval for such an addition.

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

Date By Which Violation Must be Abated:	06/28/2016
Proposed Penalty:	\$2800.00

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.178(m)(5)(i): When a powered industrial truck is left unattended, load engaging means were not fully lowered, controls were not neutralized, power was not shut off, and brakes set.

On or about the 22nd of March 2016 employees engaged in grain handling and maintenance activities were exposed to fall and struck by hazards in that the load engaging means of the John Deere forklift (Model 380-D Serial 209696T) were not fully lowered when the forklift was left unattended and the operator climbed into the man basket to perform other duties.

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

Date By Which Violation Must be Abated:	06/28/2016
Proposed Penalty:	\$2800.00

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

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

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified in 29 CFR 1910.219(m) and (o):

Employees engaged in grain handling and maintenance activities were exposed to amputation hazards in that the pulleys at the East end of the gallery belt drive were not adequately guarded.

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

Date By Which Violation Must be Abated:	06/28/2016
Proposed Penalty:	\$2100.00

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

Inspection Number: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.219(e)(3): 29 CFR 1910.219(e)(3): Vertical and inclined belts were not enclosed by a guard conforming to the standards in paragraphs specified in 29 CFR 1910.219(m) and (o):

Employees engaged in grain handling and maintenance activities were exposed to amputation hazards in that the belts at the East end of the gallery belt drive were not adequately guarded.

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

Date By Which Violation Must be Abated:

06/28/2016

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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 8 a Type of Violation: **Serious**

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 protective means or methods:

On or about the 22nd of March 2016, employees engaged in grain handling and maintenance activities were exposed to engulfment hazards in that equipment was operating to actively move grain out of the bottom of a bin while an entry of the same bin was in progress.

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:	06/28/2016
Proposed Penalty:	\$4900.00

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.272(g)(1)(iv): The employer did not prohibit "walking down grain" and similar practices where the employee walks on grain to make it flow within or out from a grain storage structure, or where an employee is on moving grain:

On or about the 22nd of March 2016, employees engaged in grain handling and maintenance activities were exposed to engulfment hazards in that they walked on the grain to get access to and break up grain product causing a jam so the grain would continue to flow.

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:

06/28/2016

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: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

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

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

On or about the 22nd of March 2016, employees engaged in grain handling and maintenance activities were exposed to engulfment hazards in that employees entered a bin that had a buildup of grain products on the side that could fall and bury them.

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:	06/28/2016
Proposed Penalty:	\$4900.00

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

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.

On or about the 22nd of March 2016, employees engaged in grain handling and maintenance activities were exposed to engulfment hazards in that lifeline was not positioned and of appropriate length so as to prevent the employee from sinking further than waist-deep in the grain.

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:

06/28/2016

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

Inspection Number: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

On or about the 22nd of March 2016, employees engaged in grain handling and maintenance activities were exposed to engulfment hazards in that an observer was not stationed outside the bin for the entire entry.

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:

06/28/2016
\$2100.00

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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 11 a Type of Violation: **Serious**

29 CFR 1910.272(j)(1): The employer did not develop and implement a written housekeeping program that established the frequency and the method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces:

Employees engaged in grain handling and maintenance activities were exposed to fire and explosion hazards in that the written housekeeping program had not been implemented resulting in significant grain dust accumulations outside of priority areas.

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

Date By Which Violation Must be Abated:	06/28/2016
Proposed Penalty:	\$3500.00

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

Inspection Number: 1134593
Inspection Date(s): 03/23/2016 - 03/24/2016
Issuance Date: 06/02/2016



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.272(j)(4): The housekeeping program at the grain handling facility did not address the procedures for removing grain and product spills from the work area:

Employees engaged in grain handling and maintenance activities were exposed to secondary fire hazards in that the implementation of the housekeeping program did not address the procedures for removal of grain spills resulting in significant amount of grain covering the floor of the #3 leg boot pit.

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

Date By Which Violation Must be Abated: 06/28/2016

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: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

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

29 CFR 1910.303(b)(7)(i): Unused openings in boxes, raceways, auxiliary gutters, cabinets, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment.

Employees engaged in grain handling and maintenance activities were exposed to electrical hazards in that unused openings for breakers were not closed with effective protection in the following locations:

- a) The top left breaker opening in the heater and welder panel on the East wall of the main elevator electrical room.
- b) Two breaker openings on the right side of the breaker panel in the East shed.

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

Date By Which Violation Must be Abated:	06/28/2016
Proposed Penalty:	\$2100.00



Citation and Notification of Penalty

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031

Citation 1 Item 13 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

Employees engaged in grain handling and maintenance activities were exposed to fire and explosion hazards in that propane tanks in the following locations were not marked with the required information:

- a) North of the dry fertilizer shed and West of the feed mill.
- b) North of the feed mill and West of the bulk fertilizer.
- c) Along the North wall of the maintenance shop and storage shed near the West end.

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:

06/28/2016
\$2100.00


Judy Freeman
Area Director

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



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Farmers Cooperative Grain Association
Inspection Site: 524 E. Parallel St., Conway Springs, KS 67031
Issuance Date: 06/02/2016

Summary of Penalties for Inspection Number	1134593
Citation 1, Serious	\$37800.00
TOTAL PROPOSED PENALTIES	\$37800.00

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. 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.

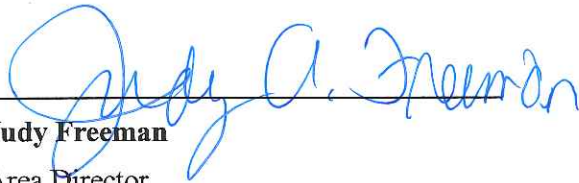
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Judy Freeman
Area Director

06.02.2016
Date