

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
U.S. Department of Labor - OSHA  
450 Mall Boulevard - Suite J  
Savannah, GA 31406  
Phone: (912)652-4393 FAX: (111)222-3333



---

## Citation and Notification of Penalty

---

**To:**  
Ware Milling Company, Inc.  
and its successors  
1250 Albany Avenue  
Waycross, GA 31501

**Inspection Number:** 314096355  
**Inspection Date(s):** 11/08/2011-12/08/2011  
**Issuance Date:** 05/02/2012

**Inspection Site:**  
1250 Albany Avenue  
Waycross, GA 31501

*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 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 page 5 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.

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

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**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.

---

**ABATEMENT CERTIFICATION**

Robert E. Vazzi, Area Director  
U.S. Department of Labor - OSHA  
U.S. Department of Labor - OSHA  
450 Mall Boulevard - Suite J  
Savannah, GA 31406  
Phone: (912)652-4393

Ware Milling Company, Inc.  
1250 Albany Avenue  
Waycross, GA 31501

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

\_\_\_\_\_  
Signature

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/02/2012. The conference will be held at the OSHA office located at U.S. Department of Labor - OSHA, 450 Mall Boulevard - Suite J, Savannah, GA, 31406 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



## Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.  
Inspection Site: 1250 Albany Avenue, Waycross, GA 31501

---

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

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

29 CFR 1910.132(d)(1)(i): The employer did not select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment:

- a) The storage bin, outside of the warehouse, on or about November 3, 2011, an employee was not provided with a properly fitted safety harness and lanyard, exposing the employee to possible strangulation and/or engulfment hazards.

**ABATEMENT CERTIFICATION IS NOT REQUIRED.**

Date By Which Violation Must be Abated: Corrected During Inspection  
Proposed Penalty: \$ 3500.00

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

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from the top, employees did not wear a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

- a) The storage bin, outside of the warehouse, on or about November 3, 2011, an employee was not provided with a properly fitted safety harness and lanyard, exposing the employee to possible strangulation and/or engulfment hazards.

**ABATEMENT CERTIFICATION IS NOT REQUIRED.**

Date By Which Violation Must be Abated: Corrected During Inspection

---

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

29 CFR 1910.132(f)(1): The employer did not provide training to each employee required by this section to use personal protective equipment (PPE):

- a) The storage bin, outside of the warehouse - on or about November 3, 2011, an employee was not instructed in the proper adjustment and wearing a safety harness and lanyard, which exposed the employee to strangulation hazards.

#### **ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

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

29 CFR 1910.272(d): The employer did not develop and implement an emergency action plan meeting the requirements contained in 1910.38(a):

- a) The storage bins, outside of the warehouse - on or about November 8, 2011, at the Waycross, GA, facility, the employer did not develop or implement an emergency action plan for employees entering and working in storage bins.

#### **ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

---

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## Citation and Notification of Penalty

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

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

29 CFR 1910.272(e)(1): The employer did not provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities:

- a) The grain storage bins, feed mill, hammer mill area, and warehouse, on or about November 8, 2011, the employer did not provide training or instruction regarding hazards related to dust accumulations on elevated ledges, common ignition sources, and lock-out/tag-out instructions.

#### **ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

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

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

- a) The storage bins, outside of the warehouse, on or about November 8, 2011, employees assigned to enter storage bins were not provided training on engulfment hazards, oxygen-deficiency, or other atmospheric hazards.

#### **ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012

---

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

1. On or about November 8, 2011, employees entered grain bins at the facility and the employer did not issue bin entry permits to ensure precautions were taken to control or eliminate mechanical, electrical, hydraulic, neumatic, or atmospheric hazards.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 4900.00

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

29 CFR 1910.272(g)(1)(iii): The atmosphere within a bin, silo, or tank in the grain handling facility was not tested for oxygen content prior to employee entry:

- a) On or about March 27, 2012 and at times prior to, at the Waycross, GA, facility, the employer did not ensure oxygen content prior to the employee entered the cotton seed storage bin to break up the cotton seed adhered to the walls.

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

---

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### Citation and Notification of Penalty

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

29 CFR 1910.272(g)(4): The employer of the grain handling facility did not provide equipment for rescue operations, which was specifically suited for the bin, silo, or tank being entered:

- a) On or about March 27, 2012 and at times prior to, at the Waycross, GA, facility, employees entered grain storage bins at the facility and the employer did not have the proper rescue equipment, exposing employees to engulfment and other grain bin entry hazards.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 4900.00

#### Citation 1 Item 8 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 method(s) determined best to reduce the accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces:

1. On or about November 8, 2011, The employers housekeeping practices did not include removing accumulations of grain dust from vertical and horizontal ledges, electrical equipment, process equipment, tractor, and forklift, which exposed the employees to fire, combustion, and deflagration hazards.

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

---

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

29 CFR 1910.272(j)(3): Compressed air was used to blow dust from ledges, walls, and other areas in grain handling facilities when machinery presenting an ignition source was not shut down, and/or when all other known potential ignition sources in the area had not been removed or controlled:

1. On or about November 8, 2011, employees used compressed air to clean and blow down top of hammer mill as well themselves, which exposed the employees to fire, combustion, and deflagration hazards.

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

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

29 CFR 1910.272(m)(1)(i): The employer did not implement preventive maintenance procedures consisting of regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators:

- a) On or about November 8, 2011, the employer did not implement preventative maintenance procedures for grain stream processing equipment in the hammer mill area to prevent excessive dust from escaping to the surrounding area, which created a fire, combustion, and deflagration hazards for employees that worked in the area.

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 3500.00

---

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

**Citation 1 Item 12** 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:

- a) On or about November 8, 2011, in the warehouse facility at the hammer mill, class II dust collected on electrical motors, electrical outlets, electrical panel boxes, light fixtures, electrical junction boxes, and electrical conduit, which exposed the employees to fire, combustion, and deflagration hazards.

**ABATEMENT CERTIFICATION IS REQUIRED.**

Date By Which Violation Must be Abated: 06/18/2012  
Proposed Penalty: \$ 3500.00



**Citation and Notification of Penalty**

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

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

- a) On or about November 8, 2011, at the Waycross, GA, facility, the employer did not ensure employees were protected from bin entry hazards. The screw auger was not locked out or otherwise prevented from operating, which exposed the employee inside grain storage bins to amputation hazards.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 38500.00



**Citation and Notification of Penalty**

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501

---

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

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:

- a) On or about and times prior to November 8, 2011, at the Waycross, GA facility, the employer did not ensure that employees who entered grain storage bins were protected from bin entry hazards because an observer, equipped to provide assistance in an emergency, was not always stationed outside the bin entered by employees.

**ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.**

Date By Which Violation Must be Abated: 05/28/2012  
Proposed Penalty: \$ 38500.00

  
\_\_\_\_\_  
Robert E. Vazzi  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
U.S. Department of Labor - OSHA  
450 Mall Boulevard - Suite J  
Savannah, GA 31406  
Phone: (912)652-4393 FAX: (912)652-4329



## INVOICE/ DEBT COLLECTION NOTICE

---

**Company Name:** Ware Milling Company, Inc.  
**Inspection Site:** 1250 Albany Avenue, Waycross, GA 31501  
**Issuance Date:** 05/02/2012  
**Summary of Penalties for Inspection Number 314096355**

<b>Citation 1, Serious</b>	= \$	<b>44800.00</b>
<b>Citation 2, Willful</b>	= \$	<b>77000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>121800.00</b>

---

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.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than the full amount due and will cash 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 funds 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.

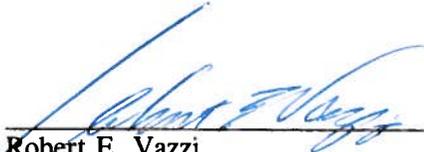
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 4%. 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.

  
\_\_\_\_\_  
Robert E. Vazzi  
Area Director

5-2-12  
\_\_\_\_\_  
Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).

