

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171 FAX: (402)551-1288



## Citation and Notification of Penalty

**To:**  
Cooperative Producers, Inc.  
and its successors  
1705 G Street  
Franklin, NE 68939

**Inspection Number:** 314060492  
**Inspection Date(s):** 05/05/2011-05/05/2011  
**Issuance Date:** 10/28/2011

**Inspection Site:**  
1705 G Street  
Franklin, NE 68939

*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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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 your inspection will be available 7 calendar days after the Citation Issuance Date. 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.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

**ABATEMENT CERTIFICATION**

Bonita Winingham, Area Director  
U.S. Department of Labor - OSHA  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171

Cooperative Producers, Inc.  
1705 G Street  
Franklin, NE 68939

The hazard referenced in Inspection Number 314060492 for violation identified as:

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed.  check if applicable

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed.  check if applicable

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed.  check if applicable

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

\_\_\_\_\_  
(email address)

\_\_\_\_\_  
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 10/28/2011. The conference will be held at the OSHA office located at 444 Regency Parkway Dr., Lake Regency Office Bldg, Ste. 303, Omaha, NE, 68114 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

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

**Inspection Number:** 314060492  
**Inspection Dates:** 05/05/2011 - 05/05/2011  
**Issuance Date:** 10/28/2011



**Citation and Notification of Penalty**

**Company Name:** Cooperative Producers, Inc.  
**Inspection Site:** 1705 G Street, Franklin, NE 68939

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

29 CFR 1910.37(b)(4): The direction of travel to the exit or exit discharge was not immediately apparent; signs were not posted along the exit access to indicate the direction of travel to the nearest exit or exit discharge.

In the warehouse area of the COOP building of Cooperative Producers, Inc: The company did not clearly identify the location of exits or exit discharges. The door identified as an exit did not lead to the outside rather it lead to a warehouse / storage area nor were any signs posted to indicate the nearest exit discharge.

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

Date By Which Violation Must be Abated:	11/30/2011
Proposed Penalty:	\$ 5500.00

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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:** Cooperative Producers, Inc.  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees:

In the loading area underneath the hopper- The employer provided a vegetable oil sprayer for use by employees to reduce dust during loading operations. The sprayer was not free of recognized hazards in that:

1. The outer insulation of the flexible cord to energize the sprayer was damaged exposing internal conductors.
2. A light bulb was spliced into the flexible cord as an indicator to notify the operator that the sprayer was energized.
3. The gang box used for the switch is not made for outdoor installation.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation.

Date By Which Violation Must be Abated:	11/30/2011
Proposed Penalty:	\$ 7000.00

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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:** Cooperative Producers, Inc.  
**Inspection Site:** 1705 G Street, Franklin, NE 68939

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

29 CFR 1910.305(j)(2)(v): A receptacle installed outdoors was not protected from the weather with a weatherproof enclosure for the receptacle:

In the dry fertilizer loading area next to the dry hopper: The employer did not ensure that an outdoor receptacle was protected with a weatherproof enclosure nor was the receptacle itself weatherproof.

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

<b>Date By Which Violation Must be Abated:</b>	<b>11/30/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 5500.00</b>



**Citation and Notification of Penalty**

**Company Name:** Cooperative Producers, Inc.  
**Inspection Site:** 1705 G Street, Franklin, NE 68939

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

29 CFR 1910.132(d)(1)(i): Where such hazards are present, which necessitate the use of personal protective equipment (PPE), the employer did not select, and have each affected employee use, the type of PPE that will protect the affected employee from the hazards identified:

Or, in the alternative

Section 5(a)(1) of the Act: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazards of falls when walking/working on the top of railroad cars, or rolling stock.

At the facility, Cooperative Producers, Inc., 1705 G Street, Franklin, NE, employees were exposed to the hazard of falling greater than four (4) feet to a lower level, while working on top of a railcar, and/or rolling stock, to perform grain loading operations, without the use of fall protection.

Among other methods, feasible and acceptable methods of abatement are:

- 1) Install fall protection equipment to prevent falls.
- 2) Train employees on the use of fall protection and the hazards associated with falls.
- 3) Develop work rules and disciplinary procedures prohibiting walking/working on rail cars, and/or rolling stock, without the use of fall protection.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

<b>Date By Which Violation Must be Abated:</b>	<b>11/30/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 70000.00</b>



**Citation and Notification of Penalty**

**Company Name:** Cooperative Producers, Inc.  
**Inspection Site:** 1705 G Street, Franklin, NE 68939

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

29 CFR 1910.23(c) (1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toe boards:

In the Liquid Fertilizer Storage/Distributing Building, Mezzanine (storage area) above the electrical room: The Mezzanine above the electrical room is being utilized to store bulk/ excess materials. The area is accessed with a straight ladder and is greater than 8' above ground level and is not guarded with adequate railings in that there is no mid-rail or toe board.

CPI Cooperative Producers Incorporated was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standards 1910.23(c)(1) which was contained in OSHA inspection number 314594494, citation 01, item 001(a) issued on 03/10/2011 and was affirmed as a final order on 03-29-2011.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citation.

Date By Which Violation Must be Abated:	11/30/2011
Proposed Penalty:	\$ 38500.00

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

**Inspection Number:** 314060492  
**Inspection Dates:** 05/05/2011 - 05/05/2011  
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**Citation and Notification of Penalty**

**Company Name:** Cooperative Producers, Inc.  
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**Citation 4 Item 1** Type of Violation: **Other**

29 CFR 1910.22(d)(1): On every building or other structure, or part thereof, used for mercantile, business, industrial or storage purposes, the loads approved by the building official were not marked on plates of approved design and securely affixed to the building:

Above the electrical room on the mezzanine; inside the liquid fertilizer storage / dispensing area: Miscellaneous objects were stored on the ceiling of the USDA office. The floor load limit for this ceiling / storage area was not marked.

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

Date By Which Violation Must be Abated:	11/30/2011
Proposed Penalty:	\$ 0.00

A handwritten signature in cursive script that reads "Dawn Craig for".

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Bonita Winingham  
Area Director

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See pages 1 through 5 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  
444 Regency Parkway Dr.  
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## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Cooperative Producers, Inc.  
**Inspection Site:** 1705 G Street, Franklin, NE 68939  
**Issuance Date:** 10/28/2011

**Summary of Penalties for Inspection Number 314060492**

<b>Citation 1, Serious</b>	= \$	<b>18000.00</b>
<b>Citation 2, Willful</b>	= \$	<b>70000.00</b>
<b>Citation 3, Repeat</b>	= \$	<b>38500.00</b>
<b>Citation 4, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>126500.00</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.

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 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.

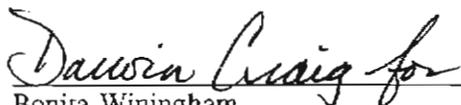
**Interest.** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 5%. Interest 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

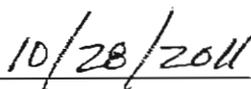
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Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**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.

  
\_\_\_\_\_  
Bonita Winingham  
Area Director

  
\_\_\_\_\_  
Date

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

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