

Iowa OSHA

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Citation and Notification of Penalty

To:

East Central Iowa Cooperative
and its successors
602 Washington, P.O.Box 300
Hudson, IA 50643

Inspection Number: 1253154
Case File Number: 21678
CSHO: S4715
Inspection Date(s): 08/08/2017-08/08/2017
Issuance Date: 11/13/2017

Inspection Site:

1750 Broadway Street
Waterloo, IA 50703

This Citation of Notification of Penalty (Citation) alleges violations of the Iowa Occupational Safety and Health Act and proposes penalties. Fifteen working days after you receive this Citation, the allegations and proposed penalties will become final unless you reach a settlement agreement with Iowa OSHA or contest the Citation. After 15 working days have passed, there will be no further chance to challenge these allegations and penalties.

Each violation described in this Citation is alleged to have occurred on or about the days the inspection was made unless another date is noted.

Contest. You may contest in writing all or part of the Citation. You may file a notice of contest yourself or hire an attorney to help you at your own expense.

Notice to employees. A copy of the Citation must be posted immediately in a prominent place near the location where each violation occurred. If posting near the site of each violation is not feasible, the Citation must be posted where it will be easily seen by all affected employees. The Citation must remain posted until the violation is corrected or for 3 working days, whichever is longer.

Payment. In the absence of a contest or settlement agreement, the penalties must be paid within 15 working days. Make your check or money order payable to "Iowa OSHA" and note the inspection number on it. Iowa OSHA does not agree to any restriction, condition, or endorsement put on any check or money order, and will cash the check or money order as if the restriction, condition or endorsement does not exist.

Working days. Working days are Monday through Friday excluding State and Federal holidays.

Hazard correction. In the absence of a contest or settlement agreement, each violation must be corrected by the date set in the Citation. You are required to provide documentation of abatement to your employees and to Iowa OSHA. The enclosed form and booklet will help you with this process.

Employee right to contest. An employee or employee representative may contest an abatement date set in the Citation. The contest must be mailed to Iowa OSHA within 15 working days of the employer's receipt of this Citation.

Whistleblower protection. An employer may not retaliate against an employee for cooperating with an OSHA inspector, filing an OSHA complaint, or exercising other rights under the OSHA law. An employee may file a complaint within 30 days after retaliation occurred.

Guide to Iowa OSHA Citations. *The Guide to Iowa OSHA Citations* covers topics related to this Citation in more detail. Please review it carefully.

Informal conference. You may request an informal conference or meeting to discuss any part of this Citation. Frequently, citations are settled at informal conferences. Call the number above right away if you wish to schedule an informal conference because after 15 working days an informal settlement agreement is not possible. If you schedule an informal conference you must complete the form on page 3 and post it where affected employees can see it.

NOTICE OF INFORMAL CONFERENCE

An informal conference has been scheduled with Iowa OSHA to discuss the citation(s) issued on 11/13/2017. Employees and/or representatives of employees have a right to attend an informal conference.

Employer: Check and complete one of the following*

The informal conference will be held at Iowa OSHA,

150 Des Moines Street
Des Moines, IA 50309 on _____.

The informal conference will be held by phone. To participate call:

*This must be completed and posted by the employer *only* if an informal conference is scheduled.

IOWA OSHA

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Company Name: East Central Iowa Cooperative
Inspection Site: 1750 Broadway Street Waterloo, IA 50703

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

IAC 875 - Chapter 10

1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

(a) Waterloo Facility - **The employer did not establish lockout specific procedures for this location.** Employees are exposed to various pieces of equipment such as, but not limited to, drag conveyors, elevators, blowers, augers and various other pieces of equipment being used in grain handling operations. This condition exposed employees to possible amputation and or engulfment hazards in the event of inadvertent equipment startup. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	<u>\$2500.00</u>

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

IAC 875 - Chapter 10

1910.272(m)(4): **The employer did not implement procedures in the grain handling facility for the use of tags and locks which would prevent the inadvertent application of energy or motion to equipment being repaired, serviced, or adjusted, which could result in employee injury:**

(a) Waterloo Facility - The employer did not establish lockout specific procedures for employees to follow to ensure equipment energy sources are properly isolated. Employees are exposed to various pieces of equipment such as, but not limited to, drag conveyors, elevators, blowers, augers and various other pieces of equipment being used in grain handling operations. This condition exposed employees to possible amputation and or engulfment hazards in the event of inadvertent equipment startup. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	<u>\$0.00</u>

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

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Company Name: East Central Iowa Cooperative
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IAC 875 - Chapter 10

1910.219(d)(1): Guarding. Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section:

(a) Bin #2 - The employer did not ensure the belt and pulley system located on the discharge end was properly guarded. Half of the existing guard was displaced, sitting on the ground, creating an approximately 11" x 33" (inch) opening exposing the belt and pulley system. This condition exposed employees to a possible amputation hazard resulting from contact with rotating belt and pulley system and was observed on or about 8/8/17.

(b) Bin #3 - The employer did not ensure the belt and pulley system located on the discharge end was properly guarded. Cutouts existed in the guard and the guard did not cover the entire pulley system. This condition exposed employees to a possible amputation hazard resulting from contact with the rotating belt and pulley system. This was observed on or about 8/8/17.

(c) Bin #5 - The employer did not ensure the belt and pulley system located on the discharge end was properly guarded. Half of the existing guard was missing creating an approximately 11" x 33" (inch) opening exposing the belt and pulley system. This condition exposed employees to a possible amputation hazard resulting from contact with the rotating belt and pulley system. This was observed on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	<u>\$2500.00</u>

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

IAC 875 - Chapter 10

1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry were not properly trained on how to avoid engulfment and mechanical hazards during grain bin entries.

(a) Waterloo Facility - The employer did not properly train employees on the proper procedures for acceptable entry conditions to be taken to eliminate and or isolate possible hazards prior to making

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grain bin entry. Employees made entry into grain bin #6 without full body harnesses, attached retrieval lines and an attendant. There was an open sump above an operating drag conveyor in this bin which contained approximately 21,000 bushels of soybeans. There was a buildup of grain 10-12 feet in depth around portions of the interior edge of the bin. Employees were attempting to cause the buildup of grain to flow toward the open sump. This activity resulted in a fatality when an employee became engulfed in the flowing grain. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	\$2500.00

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

IAC 875 - Chapter 10

1910.272(m)(3) The employer did not maintain a certification record of each preventive maintenance inspection, performed in accordance with this paragraph (m), containing the date of the inspection, the name of the person who performed the inspection and the serial number, or other identifier, of the equipment specified in paragraph (m)(1)(i) of this section that was inspected:

(a) Waterloo Facility - The employer did not maintain a certification of the preventative maintenance records on various pieces of equipment such as, but not limited to, the double leg Hunter elevator. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	\$2500.00

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

IAC 875 - Chapter 10

1910.303(f)(1): Each disconnecting means was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

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(a) Bin #7 - The employer did not ensure the two remote disconnects located on the side of the grain bin were properly labeled to indicate their purpose. The condition exposed employees to a possible delay of isolation of the energy source in the event of an emergency. This was observed on or about 8/8/17.

(b) Bin #8 - The employer did not ensure the two remote disconnects located on the side of the grain bin were properly labeled to indicate their purpose. The condition exposed employees to a possible delay of isolation of the energy source in the event of an emergency. This was observed on or about 8/8/17.

(c) Bin #6 - The employer did not ensure the two remote disconnects located on the side of the grain bin were properly labeled to indicate their purpose. The condition exposed employees to a possible delay of isolation of the energy source in the event of an emergency. This was observed on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>Corrected During Inspection</u>
<u>Proposed Penalty:</u>	\$2500.00

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

IAC 875 - Chapter 10

1910.272(g)(1)(i): The employer shall issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative (who would otherwise authorize the permit) is present during the entire operation. The permit shall certify that the precautions contained in this paragraph (1910.272(g)) have been implemented prior to employees entering bins, silos or tanks. The permit shall be kept on file until completion of the entry operations:

(a) Bin #6 - The employer did not issue a bin entry permit prior to making entry inside grain bin #6 that contained approximately 21,000 bushels of soybeans. Employees made entry into grain bin #6 without full body harnesses, attached retrieval lines and an attendant. There was an open sump above an operating drag conveyor in this bin. There was a buildup of grain 10-12 feet in depth around portions of the interior edge of the bin. Employees were attempting to cause the buildup of grain to

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flow toward the open sump. This activity resulted in a fatality when an employee became engulfed in the flowing grain. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	<u>\$49000.00</u>

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

IAC 875 - Chapter 10

1910.272(g)(1)(ii): The employer shall ensure all mechanical, electrical, hydraulic, and pneumatic equipment which presents a danger to employees inside grain storage structures shall be de-energized and shall be disconnected, locked-out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods:

(a) Bin #6 - The employer did not ensure the sump door was closed and drag conveyor was de-energized and locked out prior to making entry inside the grain bin. Employees made entry into bin #6 which contained approximately 21,000 bushels of soybeans. There was a buildup of grain 10-12 feet in depth around portions of the interior edge of the bin. Employees were attempting to cause the buildup of grain to flow toward the open sump. This activity resulted in a fatality when an employee became engulfed in the flowing grain. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	<u>\$49000.00</u>

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

IAC 875 - Chapter 10

1910.272(g)(2): The employer did not ensure 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

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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:

(a) Bin #6 - The employer did not ensure employees were utilizing full body harnesses with attached retrieval lines prior to making entry inside of the grain bin that posed an engulfment hazard. Employees gained access into grain bin #6 from the side access door approximately 6' above grade with the grain level at the access door. The bin contained approximately 21,000 bushels of soybeans and had a buildup of 10-12 feet in depth of grain along portions of the bin walls. Employees caused the grain to flow to an open sump. This activity resulted in a fatality when an employee was engulfed by the flowing grain. This was noted on or about 8/8/17.

Date by Which Violation Must Be Abated: **January 02, 2018**
Proposed Penalty: **\$49000.00**

Citation 2 Item 4 Type of Violation: **Willful-Serious**

IAC 875 - Chapter 10

1910.272(g)(3): The employer did not ensure an observer, equipped to provide assistance, shall be stationed outside the bin, silo, or tank being entered by an employee. Communications (visual, voice, or signal line) shall be maintained between the observer and employee entering the bin, silo, or tank:

(a) Bin #6 - The employer did not ensure entrants were equipped with an observer located outside the grain bin while employees entered a grain bin that contained approximately 21,000 bushels of soybeans. There was buildup of 10-12 feet of grain along portions of the bin walls. Entrants caused the grain to flow toward an open sump and operating drag conveyor. This activity resulted in a fatality when an employee was engulfed by the flowing grain. Rescue operations were delayed because of the lack of an observer. This was noted on or about 8/8/17.

Date by Which Violation Must Be Abated: **January 02, 2018**
Proposed Penalty: **\$49000.00**

Citation 2 Item 5 Type of Violation: **Willful-Serious**

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IAC 875 - Chapter 10

1910.272(g)(4): The employer did not provide equipment for rescue operations which is specifically suited for the bin, silo, or tank being entered:

(a) Bin #6 - The employer did not provide equipment for rescue operations such as, but not limited to, coffer dam and/or a body harness with an attached retrieval line for employees prior to making entry into bin #6 which contained approximately 21,000 bushels of soybeans. A body harness and retrieval line was located inside the office at this location but not at the grain bin where entry was made. Employer's coffer dam was located at an offsite location and not readily accessible. There was a buildup of 10-12 feet of grain around the interior sides of the bin. Entrants caused the grain to flow toward an open sump. This activity resulted in a fatality when an employee was engulfed by the flowing grain. Rescue was delayed because equipment was not located at the bin nor were body harnesses and retrieval lines being utilized by entrants. This was noted on or about 8/8/17.

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Citation 2 Item 6 Type of Violation: **Willful-Serious**

IAC 875 - Chapter 10

1910.272(g)(6): Employees shall not enter bins, silos, or tanks underneath a bridging condition, or where a buildup of grain products on the side could fall and bury them:

(a) Bin #6 - The employer did not ensure employees did not enter into a grain bin where there was a buildup of grain on the sides. Bin #6 contained approximately 21,000 bushels of soybeans. There was a buildup of 10-12 feet of soybeans along portions of the bin walls. Employees entered the bin to get the buildup of grain to start flowing toward an open sump. This activity resulted in a fatality when an employee became engulfed by the flowing grain. This was noted on or about 8/8/17.

<u>Date by Which Violation Must Be Abated:</u>	<u>January 02, 2018</u>
<u>Proposed Penalty:</u>	<u>\$49000.00</u>

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Jens J. Nissen
IOWA OSHA Administrator

Iowa OSHA

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PENALTY SUMMARY

Company Name: East Central Iowa Cooperative
Inspection Site: 1750 Broadway Street Waterloo, IA 50703
Issuance Date: 11/13/2017

Penalty Summary of Inspection Number: 1253154

Citation 1 Item 1a, Serious	\$2500.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 2, Serious	\$2500.00
Citation 1 Item 3, Serious	\$2500.00
Citation 1 Item 4, Serious	\$2500.00
Citation 1 Item 5, Serious	\$2500.00
Citation 2 Item 1, Willful-Serious	\$49000.00
Citation 2 Item 2, Willful-Serious	\$49000.00
Citation 2 Item 3, Willful-Serious	\$49000.00
Citation 2 Item 4, Willful-Serious	\$49000.00
Citation 2 Item 5, Willful-Serious	\$49000.00
Citation 2 Item 6, Willful-Serious	\$49000.00
TOTAL PENALTIES:	\$306500.00

Make check or money order payable to "**IOWA OSHA.**" Please indicate the inspection number and d/b/a, if company name is different, on the remittance.