

## U.S. Department of Labor

Occupational Safety and Health Administration  
444 Regency Parkway Drive  
Suite 303  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



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# Citation and Notification of Penalty

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**To:**  
International Nutrition, Inc.  
P O Box 27540  
Omaha, NE 68127

**Inspection Number:** 955579  
**Inspection Date(s):** 01/20/2014 - 06/12/2014  
**Issuance Date:** 07/18/2014

**Inspection Site:**  
4444 S 76th Circle  
Omaha, NE 68127

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/18/2014. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on \_\_\_\_\_ at \_\_\_\_\_ . Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 955579**

Company Name: International Nutrition, Inc.  
Inspection Site: 4444 S 76th Circle, Omaha, NE 68127  
Issuance Date: 07/18/2014

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, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

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:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

a) The employer is exposing employees working at its facility located at 4444 S. 76th Circle, Omaha, NE 68127 to the recognized hazard of fire, deflagration and explosion associated with using compressed air to blow accumulations of combustible dust off of surfaces and equipment in the presence of potential ignition sources creating dust clouds. The most recent examples of this occurred on January 20, 2014 when the employer had employees cleaning the facility with compressed air without eliminating all potential ignition sources.

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

1. Complying with applicable provisions of NFPA 654: Standard for the Prevention of Fire and Dust Explosions From the Manufacturing, Processing and Handling of Combustible Particulate Solids, concerning use of compressed air. (See, 2013 edition including Sections 8.2.2, 8.2.2.4.)
2. The employer upgrading all the electrical in the facility that is near potential combustible dust locations to Division II Class II wiring.
3. The employer providing employees with additional training on the recognition of potential ignition sources and the use of compressed air, specifically addressing the need to de-energize all potential ignition sources.
4. The employer developing and implementing in depth written procedures specifically for the purpose of using compressed air for cleaning the facility, paying particular attention to the issues of combustible dust and de-energizing potential ignition sources.

b) The employer is exposing employees working at its facility located at 4444 S. 76th Circle, Omaha, NE 68127 to the recognized hazard of fire, deflagration and explosion associated with operating equipment that conveys materials that contain or generate combustible dust with the panel doors

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:** International Nutrition, Inc.

**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

removed so that combustible dust escapes into the atmosphere. The most recent example of this occurred on January 20, 2014 when the employer allowed employees working on bagging line #4 at the facility to operate the Inglet Scale conveyor belt system with the panel doors removed, allowing combustible dust generated during the handling of product to escape into the atmosphere creating the danger of a fire, deflagration, and/or explosion. On that day, access doors were open and covered with an approximately 1/8 inch layer of dust accumulation. The Inglet Scale conveyor belt enclosure provides a 5-sided exhaust hood to capture dusting from material transport dust emission sources such as impact at belt loading point, belt return idlers and belt discharge to the filling spout hopper. With the panel doors removed, the enclosure is compromised and belt dusting becomes fugitive dust resulting in dust accumulations on horizontal surfaces in the surrounding packaging area. If dispersed and ignited, the dust accumulations on horizontal surfaces can contribute to a secondary explosion in the packaging area as settled dust accumulations are lifted, ignited, deflagrate and possibly explode. Potential ignition sources include static electricity discharge from lack of electrical bonding of non-conductive, rubber flex hose at hood connections, hot foreign material from upstream failed equipment, upstream fire, etc.

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

1. Complying with applicable provisions of NFPA 654: Standard for the Prevention of Fire and Dust Explosions From the Manufacturing, Processing and Handling of Combustible Particulate Solids, (2000 edition), including Sections 4.1, 4.2.1.
  2. Implementing a work practice to reinstall the panel doors on the Inglet Scale conveyor belt system after maintenance/cleaning before the packaging line is used.
  3. Implementing a work rule prohibiting operation of the Inglet Scale conveyor belt system with the panel door removed.
  4. Installing a proof-of-closure switch could be installed on each panel door to prevent the operation of Inglet Scale conveyor belt system without closing the panel door.
- c) The employer is exposing employees working at its facility located at 4444 S. 76th Circle, Omaha, NE 68127 to the recognized hazard of fire, deflagration and explosion associated with using non-conductive, un-bonded synthetic flexible duct as part of the dust collection system handling combustible dust. The most recent example of this occurred on January 20, 2014 at the facility where

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### Citation and Notification of Penalty

**Company Name:** International Nutrition, Inc.

**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

the employer allowed, at the dust collector for bagging line #4, use of un-bonded synthetic flexible duct as part of the dust collection system, creating the potential for static charge to build up as product passes through the flex duct and increasing the possibility of sparking the combustible dust and creating a deflagration ultimately leading to a secondary combustible dust explosion. The non-conductive flexible duct conveys combustible dust. Non-conductive flexible ducts without bonding allow electrostatic charges to accumulate at the discontinuity where bonding is lost while product is flowing. Discharge of the accumulated electrostatic charges can be an ignition source for a combustible dust fire, deflagration and explosion in the dust collecting system.

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

1. Complying with applicable provisions of NFPA 654: Standard for the Prevention of Fire and Dust Explosions From the Manufacturing, Processing and Handling of Combustible Particulate Solids, (2000 edition), including Section 5.3.1.
2. Replacing the electrically non-conductive flex duct with an electrically conductive duct.
3. Bridging the non-conductive flex duct with a conductive cable bonding the metal duct and hood to each other with both options insure that the exhaust system is grounded.
4. In conjunction with both 1 and 2, insuring the exhaust system is grounded.

d) The employer is exposing employees working at its facility located at 4444 S. 76th Circle, Omaha, NE 68127 to the recognized hazard of fire, deflagration and explosion associated with loss-of-flow in the dust collection system handling combustible dust. The most recent example of this occurred on January 20, 2014 at the facility where the employer allowed the dust collection system handling combustible dust to be operated with reduced flow as a result of the following defects:

1. One of the 4 diameter exhaust ducts serving the exhaust hoods at packaging line #4 was plugged with a paper bag.
2. Many of the 4 diameter, flexible exhaust ducts serving the exhaust hoods at packaging line #4 had holes in them. The holes in the flexible duct allow exhaust air, needed at the hood, to short circuit and enter at the hole.

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**Company Name:** International Nutrition, Inc.

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Both 1 and 2 result in reduced exhaust air volumetric capacity at the respective hoods within the dust collection system. The ability of the hoods to capture dust emissions from packaging is reduced, and consequently, more fugitive combustible dust from the packaging operation accumulates on the floor.

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

1. Complying with applicable provisions of NFPA 654: Standard for the Prevention of Fire and Dust Explosions From the Manufacturing, Processing and Handling of Combustible Particulate Solids, (2000 edition), including Section 4.2.1.
  2. Inspecting the bagging conveyor line for blockages, and where torn bags could be sucked into the hoods, using smoke trails to check hood performance and find any blockages.
  3. Replacing flex duct when holes are evident.
- e) The employer is exposing employees working at its facility located at 4444 S. 76th Circle, Omaha, NE 68127 to the recognized hazard of fire, deflagration and explosion associated with operating a dust collection system handling combustible dust that failed to contain isolation devices to prevent deflagration propagation in the event of a deflagration in the dust collector. The most recent example of this occurred on January 20, 2014 at the facility where the employer allowed the production lines to operate using a MAC dust collector that failed to have isolation devices at various locations throughout the system:
- i. The system failed have an isolation device to prevent dust collector deflagration propagation through upstream ductwork to the work areas (e.g., mixers, conveyors, packaging, etc.) in the event of a deflagration in the dust collector. This event may lead to a secondary explosion in the work space as settled dust accumulations are lifted, ignited, deflagrate and possibly explode the building causing a catastrophic collapse of the structure.
  - ii. The system failed to have an isolation device to prevent dust collector deflagration propagation through downstream exhaust ductwork (recycled air back into the building) in the event of a deflagration in the dust collector. This event may lead to a secondary explosion in the work space as settled combustible dust accumulations are lifted, ignited, deflagrate and possibly explode the building

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:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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causing a catastrophic collapse of the structure.

iii. The system failed to have an isolation device to prevent dust collector deflagration propagation from the dust collector hopper to the dust collector storage barrel in the event of a deflagration of the dust collector. This event may lead to a secondary explosion in the loading dock area where the dust collector storage barrel is located. The combustible dust in the dust collector hopper passes through a rotary valve and screw conveyor before falling into 55 gallon metal barrels in the loading dock. Neither the rotary valve or screw conveyor have the ability to act as an isolation choke to prevent a fire or deflagration from propagating from the dust collector to the storage barrels.

Dust collectors can deflagrate when the bags are pneumatically pulsed during normal operation, creating a combustible dust cloud at minimum explosive concentration within the dust collector housing. In the presence of an ignition source, the dust collector will experience a flash fire, deflagration, or explosion. Potential ignition sources include static electricity discharge from lack of electrical bonding of non-conductive flexible ducts, hot foreign material from upstream failed equipment, upstream fire, etc.

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

1. Complying with applicable provisions of NFPA 654: Standard for the Prevention of Fire and Dust Explosions From the Manufacturing, Processing and Handling of Combustible Particulate Solids, (2000 edition), including Sections 3.1.3.1, 3.1.3.2, 3.13.7, and 2.1.3.
2. Installation of isolation devices at all required locations pursuant to NFPA 654, Section 3 requirements. These include chokes rotary valves, fast acting isolation valves, flame front diverters, and flame front extinguishers.
3. Design of the dust collection system so that it prevents both return of dust with an efficiency of 99.9% at 10 microns and transmission of energy from a fire or explosion to the building. Such a design allows recycling of dust collector exhaust air.

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:** 955579  
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**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/07/2014
Proposed Penalty:	\$6160.00

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:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition.

The employer is failing to protect employees from potential explosion hazards associated with potentially combustible dust builds up in excess of 1/32. The most recent example of this was found in the room containing packaging lines #3 and #4 in the facility located at 4444 S. 76th Circle, Omaha, NE 68127 where the employer has employees packaging product on line #4 with excessive dust build up throughout the room. Instances include but are not limited to:

- i. Dust in excess of 1/32 built up on the catwalks around the bottoms of the hoppers above packaging lines #3 and #4.
- ii. Dust in excess of 1/32 built up on the ventilation duct work located over the top of packaging lines #3 and #4.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/07/2014
Proposed Penalty:	\$6160.00



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

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

The employer is failing to develop and implement a written respiratory program to address any potential respiratory hazards commonly associated with working in a dusty environment. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer requires employees to wear N95 respirators while operating equipment and performing their duties on the bagging, mixing, micro picking and label preparation lines; as well as provides to the other employees within the plant 3M N95 respirators to use voluntarily in the protection against nuisance dust without having conducted air quality tests and developing and implanting a written respiratory program that would provide necessary information to include the but not limited to:

- i. Procedures for selecting respirators in the work place;
- ii. Medical evaluations for employees required to use respirators;
- iii. Fit testing procedures for tight fitting respirators;
- iv. Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- v. Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respirators;
- vi. Procedures to ensure adequate air quality, and flow of breathing air for atmosphere-supplying respirators;

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:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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- vii. Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- viii. Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
- ix. Procedures for regularly evaluating the effectiveness of the program.

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

Date By Which Violation Must be Abated:	08/22/2014
Proposed Penalty:	\$2640.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

The employer is failing to protect employees from potential respiratory hazards associated with employees wearing and using respirators without having been evaluated by a medical professional prior to use. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer requires employees to wear N95 respirators while operating equipment and performing their duties on the bagging, mixing, micro picking and label preparation lines; without having the employees evaluated by a medical professional to identify any potential risk hazards or other pre-existing medical condition that may cause them serious harm during injury.

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

Date By Which Violation Must be Abated: 08/07/2014



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.134(f)(2): Employee(s) using a tight-fitting facepiece respirator were not annually fit tested:

The employer is failing to protect employees from potential respiratory hazards associated with employees using N95 respirators while working in an inadequately ventilated area where dust is present without having been annually fit tested. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer requires employees to wear N95 respirators while operating equipment and performing their duties on the bagging, mixing, micro picking and label preparation lines; without having the employees fit tested both initially and annually thereafter to ensure that the respirators are protecting the employee as designed.

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

Date By Which Violation Must be Abated:

08/07/2014



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146 (permit required confined spaces) acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under 29 CFR 1910.146:

The employer is failing to protect employees from caught between, amputation and respiratory hazards associated with employees exposed to confined spaces in the work place. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127 where the employer has employees working around and entering confined spaces for cleaning and maintenance of the equipment without having provided those employees with adequate training. Instances of adequate training include but are not limited to:

- i. The recognition of confined spaces and the difference between a confined space and a permit required confined space.
- ii. The restrictions and procedures associated with entering a confined space or a permit required confined space.

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

Date By Which Violation Must be Abated: 08/22/2014  
Proposed Penalty: \$4400.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

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

The employer is failing to protect employees from potential stored energy hazards associated with performing maintenance activities without having developed and implemented written specific procedures for the effective de-energizing of each piece of equipment. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has employees repairing and cleaning equipment that have potential stored energy hazards without providing any written specific procedures on the step by step process of de-energizing, testing and re-energizing.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/22/2014
Proposed Penalty:	\$6160.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.147(c)(7)(i): The training program of the employer did not include all the training elements listed under Items A-C of 29 CFR 1910.147(c)(7)(i):

The employer is failing to provide employees with adequate training on the application of lockout and tag out used in the safe maintenance of equipment with hazardous stored energy. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has inadequately trained employees repairing and cleaning equipment that have potential stored energy hazards. Instances of inadequate training include but are not limited to:

- i. Spanish speaking employees provided training in English.
- ii. New hire employees performing their assigned duties prior to receiving required training.
- iii. Failure to train employees on the use of energy control procedures.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/22/2014
Proposed Penalty:	\$6160.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.178(l)(2)(ii): The employer did not ensure that each operator had successfully completed the training consisting of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

The employer is failing to provide adequate training to employees on the proper methods of operating a powered industrial truck prior to releasing them to operate independently. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has inadequately trained employees using various forklifts and pallet jacks to move product and ingredients throughout the facility.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/22/2014
Proposed Penalty:	\$6160.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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 1910.307(b): Documentation for areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 was not available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location:

The employer is failing to document the location of Class II Division 2 electrical wiring throughout the facility thus exposing their employees to potential electrical and explosion hazards. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has employees working on packaging line #4 where the employer had a contractor make repairs to the electrical wiring above the packaging line and without the knowledge that this area should only be Class II Division 2 wiring the contractor installed a standard junction box that is not dust proof thus exposing the employee to explosion hazards every time they blow down the area during daily cleanup.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 08/07/2014  
Proposed Penalty: \$6160.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.307(c)(2)(i): Equipment in hazardous (classified) location(s) was not approved for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that was or could be present:

The employer is failing to protect employees from potential electrical and explosion hazards associated with installing inadequate electrical components to an electrical system that requires Class II Division 2 wiring. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has employees working on packaging line #4 where the employer had a contractor installed a standard junction box that is not dust proof to the electrical wiring above the packaging line where given the combustible dust that is generated from that line and the product they are packaging the electrical needs to be dust proof and only Class II Div 2 wiring shall be used.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/07/2014



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

The employer failed to protect employees from potential chemical hazards associated with failing to provide HAZCOM training to employees prior to exposure. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has employees exposed to hundreds of different chemicals and ingredients listed on the company's inventory list, without having trained the employees in accordance with this subpart.

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

Date By Which Violation Must be Abated:	08/22/2014
Proposed Penalty:	\$2640.00



### Citation and Notification of Penalty

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees:

The employer is exposing employees working at its facility, located at 4444 S. 76th Circle, Omaha, NE 68127, to the recognized hazard of structural failure resulting from structural overload. The most recent example of this was on January 20, 2014 when the employer placed limestone product it used in its manufacturing process into 4 storage bins, rice into hulls it used in its manufacturing process into 3 storage bins, and Solulac that it used its manufacturing process into 2 storage bins that were all part of an interconnected 9 bin storage structure (consisting of 9 square bins arranged in a square, connected equipment, and structural steel support columns, trusses, and components) located at and above the roof of its facility without knowing or determining the load capacity of the 9 bin structure. The combined weight of the 4 bins of limestone, 3 bins of rice hulls, and 2 bins of Solulac exceeded the load capacity of the steel structural trusses and connections supporting the 9 bin structure causing them to become overloaded; this resulted in the employer exposing employees to being struck, crushed and killed by the falling bin structure or other elements dislodged by the falling bin structure. As a result of the employer overloading the 9 bin structure, at around 9:40 a.m. on January 20, the steel structural trusses and connections supporting the 9 bin structure suffered a catastrophic failure causing the entire 9 bin structure which weighed close to 1,000,000 pounds, including the stored product, structural steel, connected equipment, and dislodged concrete to fall through three floors of the facility, killing 2 employees and injuring 9 others.

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

1. The employer obtaining a proper structural evaluation of the 9 bin structure from a qualified professional structural engineer to determine the amount of product that could be safely stored in the 9 bin structure as a whole and in each bin of the 9 bin structure individually.
2. The employer placing appropriate load limits on the 9 bin structure and for each bin individually.

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:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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3. The employer training its employees on the load limits for the 9 bin structure and for each bin individually.
  
4. The employer establishing work rules, policies and practices to prevent overloading the 9 bin structure or any bin individually, including work rules, policies and practices instructing never to place product in a bin if the load capacity of the bin or the load capacity of the structure supporting the bin are unknown.

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.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/07/2014
Proposed Penalty:	\$61600.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.:

The employer is failing to protect employees from potential struck by hazards associated with failing to ensure that compressed air nozzles used for cleaning are regulated so as not to exceed 30 p.s.i. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has employees using compressed air with air pressure estimated by management to be 120psi, to blow down dust accumulations and to blow out mixers and hoppers without ensuring the pressure has been regulated to 30 psi or less.

The International Nutrition, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard International Nutrition, Inc. which was contained in OSHA inspection number 316018142, citation number 1, item number 5 and was affirmed as a final order on January 20, 2012, with respect to a workplace located at 7706 I Plaza, Omaha, NE 68127.

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

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	08/07/2014
Proposed Penalty:	\$12320.00



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

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**Citation 4 Item 1 b** Type of Violation: **Other-than-Serious**

29 CFR 1910.134(c)(2)(i): Respirator users were not provided with the information contained in Appendix D to 29 CFR 1910.134 when the employer determined that any voluntary respirator use was permissible:

The employer is failing to protect employees from potential respiratory hazards associated with employees wearing N95 respirators. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127, where the employer has employees exposed to dust throughout the facility and voluntarily wearing N95 respirators as a means of protecting themselves against nuisance dust without the company having briefed them in accordance with Appendix D of this subpart.

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

Date By Which Violation Must be Abated:

08/07/2014



**Citation and Notification of Penalty**

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127

**Citation 4 Item 2** Type of Violation: **Other-than-Serious**

29 CFR 1910.146(e)(6): The employer did not retain each canceled entry permit for at least one year to facilitate the review of the permit-required confined space program required by 29 CFR 1910.146(d)(14):

The employer is failing to protect employees from caught between, amputation and respiratory hazards associated with employees exposed to confined spaces in the work place. This was most recently evident during the inspection of the facility located at 4444 S. 76th Circle, Omaha, NE 68127 where the employer has employees working around and entering confined spaces for cleaning and maintenance of the equipment whereby permits were required and said to have been used however the employer has failed to maintain those permits the required year after entry so as to make them available to employees and their representatives.

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

Date By Which Violation Must be Abated: 08/22/2014  
Proposed Penalty: \$0.00

  
**Bonita Winingham**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Drive  
Suite 303  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** International Nutrition, Inc.  
**Inspection Site:** 4444 S 76th Circle, Omaha, NE 68127  
**Issuance Date:** 07/18/2014

<b>Summary of Penalties for Inspection Number</b>	<b>955579</b>
<b>Citation 1, Serious</b>	<b>\$46640.00</b>
<b>Citation 2, Willful</b>	<b>\$61600.00</b>
<b>Citation 3, Repeat</b>	<b>\$12320.00</b>
<b>Citation 4, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$120560.00</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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 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.



**Bonita Winingham**

Area Director

7-18-2014

Date