

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



Citation and Notification of Penalty

To:
Midwest Farmers Cooperative
And its successors
600 South 10th Street
Tecumseh, NE 68450

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014

Inspection Site:
600 South 10th Street
Tecumseh, NE 68450

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$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. 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 07/09/2014. 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: 964263

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450
Issuance Date: 07/09/2014

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

Email address

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: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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 in that employees were exposed to severe burns, lacerations, and pulmonary edema from anhydrous ammonia not properly controlled by the ammonia storage and transfer system. The ammonia control system was not designed to prevent anhydrous ammonia from entering or leaving the process at an unintended time, rate, or path.

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - March 20, 2014 - A bleeder valve was left open during transport truck anhydrous ammonia delivery, causing a large amount of ammonia to enter and violently rupture an aluminum caged plastic IBC tote filled with water. The IBC tote rupture released ammonia and the delivery driver suffered fatal injuries and other workers, including a facility employee, a responding deputy sheriff, and a railroad worker required treatment for ammonia exposure.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE METHODS TO CORRECT THIS HAZARD ARE:

- 1) Properly design storage and transfer system controls that prevent anhydrous ammonia from entering or leaving the process at an unintended time, rate or path per NFPA 400 (2013) Hazardous Materials Code - 6.1.4.2.2 as adopted by Nebraska State Fire Marshal per NAC 477.281.
- 2) Design and install system controls that prevent ammonia from entering the water container during the truck transport unloading operation such as installing a "dead man" type bleeder valve.
- 3) Design and install a water container to capture remaining ammonia, after the completion of the ammonia transfer operation that does not allow the accumulation of pressure, such as an open top tank.
- 4) Develop detailed site specific standard operating procedures, regarding the safe handling of anhydrous ammonia during all procedures, including the proper position of all system valves.
- 5) Ensure all employees that engage in the handling of anhydrous ammonia are thoroughly trained and retrained periodically on each location's standard operating procedures for the safe handling of anhydrous ammonia.

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: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/20/2014
Proposed Penalty:	\$6300.00

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: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

Citation 1 Item 2 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 in that employees were exposed to skin/body injuries including severe burns, frostbite or death from liquid and/or vapor anhydrous ammonia while responding to a release without wearing chemical impervious clothing.

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - Employees responding to an ammonia release on or about March 20, 2014, did not wear chemical impervious clothing while shutting ammonia valves and turning off equipment at the accident site. Protective slicker(s) and/or protective pant(s) and jacket(s) that are impervious to ammonia were not available on site at the facility.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE METHODS TO CORRECT THIS HAZARD ARE:

- 1) Provide protective slicker(s) and/or protective pant(s) and jacket(s), all impervious to ammonia at permanent ammonia storage locations per ANSI K61.1 (1999)/CGA G-2.1 (1999) - 3.4.1.4 as adopted by Nebraska State Fire Marshal as Title 153, NAC Chapter 14.
- 2) Provide an adequate number and sizes of slickers and/or pants and jackets for potential employee exposure to ammonia at permanent ammonia storage locations.
- 3) Develop inspection protocols to ensure ammonia protective clothing remains available and in good condition at permanent ammonia storage locations.
- 4) Train employees on the location of impervious clothing at permanent ammonia storage facilities and the appropriate procedures to use the protective clothing.

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: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/25/2014
Proposed Penalty:	\$6300.00

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: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

Citation 1 Item 3 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 in that employees are exposed severe burns, tissue damage, or pulmonary edema from gas and/or liquid anhydrous ammonia from the potential failure of the ammonia piping system and its components.

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - The ammonia piping system, components, and appurtenances had extensive peeled paint and external corrosion. Internal seals for the ammonia pump for filling nurse tank leaked during the inspection.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE METHODS TO CORRECT THIS HAZARD ARE:

- 1) Properly maintain equipment including ammonia piping systems and system pumps/compressors in an operable condition per NFPA 400 (2013) Hazardous Materials Code - 6.1.16.1 as adopted by Nebraska State Fire Marshal per NAC 477.281.
- 2) Remove external corrosion and properly paint/coat ammonia piping and system components.
- 3) Develop inspection protocols to examine for corrosion and paint failure of the ammonia piping system to decrease the likelihood of accidental release.
- 4) Inspect and maintain ammonia system pump(s)/compressor(s) as required by the manufacturer.
- 5) Train employees to properly inspect and document external ammonia piping system and paint failure.
- 5) Develop and implement regular maintenance schedules for ammonia piping systems, components, appurtenances, and storage vessels.

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: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/25/2014
Proposed Penalty:	\$6300.00

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: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

Citation 1 Item 4 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 in that employees are exposed to crushing injuries, struck-by injuries, severe burns, tissue damage, or pulmonary edema from potential train derailment, flying debris, sparks, and gas and/or liquid anhydrous ammonia from release.

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - Four permanent anhydrous ammonia storage tanks ranging in capacity from 12,000 to 15,000 gallons are each located closer than 100 feet to a Class 4 (per 49 CFR 213.9) mainline of a railroad. Trucks transporting approximately 40,000 pounds of anhydrous ammonia also unload in the area between tank #4 (north end closest to tracks) and the railroad mainline.

AMONG OTHER METHODS, FEASIBLE AND ACCEPTABLE METHODS TO CORRECT THIS HAZARD ARE:

- 1) Relocate anhydrous ammonia storage tanks to a minimum 100 feet of separation between the tanks and the mainline of the adjacent railroad per ANSI K61.1 (1999)/CGA G-2.1 (1999) - Table 3 as adopted by Nebraska State Fire Marshal as Title 153, NAC Chapter 14.
- 2) Contact railroad about potential relocation of the adjacent mainline to a minimum separation distance of 100 feet between the anhydrous ammonia storage tanks and the railroad mainline.
- 3) Protect transport drivers, other workers, and tanker trucks during anhydrous ammonia transfer operations between the railroad tracks and ammonia storage tank #4.

Abatement certification 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: 11/20/2014
Proposed Penalty: \$4501.00

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.23(a)(5): Every pit and trapdoor floor opening, infrequently used were not guarded by a floor opening cover of standard strength and construction.

In the concrete elevator at Midwest Farmers Cooperative, Tecumseh, NE: The employer failed to ensure that the boot pit opening was guarded by a floor opening cover that was of standard strength and construction in that the cover had a triangular section that had been broken off measuring approximately 12 x 14 x 18 inches.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2700.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.111(b)(3)(ii): Each container or system covered in paragraphs (c), (f), (g), and (h) of this section was not marked as specified in the following:

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - The tank information required by 29 CFR 1910.111(b)(3)(ii)(a) through (j) for nameplates, on Ammonia Storage containers or systems, were in poor condition, painted over, and illegible on Ammonia Storage Tank #4.

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

Date By Which Violation Must be Abated: 08/25/2014
Proposed Penalty: \$3600.00

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.111(b)(10)(iv): Each vehicle transporting ammonia in bulk except farm applicator vehicles was not equipped with a full face mask.

Full face mask respirators for usage in ammonia containing atmospheres were not available for employee bulk transport drivers on their trucks for the ammonia release on March 20, 2014. An employee driver unloading transported anhydrous ammonia at the Midwest Farmers Cooperative facility in Tecumseh, NE, suffered fatal injuries resulting from ammonia exposure and an appropriate respirator was not available on his truck.

Hazard was abated during the inspection.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$6300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.120(q)(2): The employer did not develop an emergency response plan for emergencies which addressed the following minimum requirements of this standard: 1910.120(q)(2)(i) through 1910.120(q)(2)(xii).

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - An emergency response plan that met the requirements of the standard was not developed and implemented for employees that acted as hazardous materials technicians during an ammonia release on or about March 20, 2014.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/25/2014
Proposed Penalty: \$6300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.120(q)(3)(iv): Employees engaged in emergency response and exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard, did not wear positive-pressure self-contained breathing apparatus until such time that the individual in charge of the incident command system determined through the use of air monitoring that a decreased level of respiratory protection would not result in hazardous exposures to employees.

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - Employees responding to an ammonia release on or about March 20, 2014, did not wear positive-pressure self-contained breathing apparatus while shutting ammonia valves and turning off equipment at the accident site. Ammonia monitoring equipment was not available and/or used at the during the incident.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/25/2014
Proposed Penalty:	\$6300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.120(q)(6)(iii): Employees who participated as hazardous materials technicians, or were expected to participate as hazardous materials technicians, had not received at least 24 hours of training equal to the first responder operations level, and in addition have competency in the areas outlined in 29 CFR 1910.120(q)(6)(iii)(A) through (q)(6)(iii)(I) and the employer did not so certify.

Midwest Farmers Cooperative, 600 South 10th St., Tecumseh, NE - Employees responding to an ammonia release on or about March 20, 2014, shutting ammonia valves and turning off equipment at the accident site to stop the ammonia leak, had not received the training required by the standard to act as hazardous materials technicians.

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.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/25/2014
Proposed Penalty:	\$6300.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

Citation 1 Item 11 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.

Midwest Farmers Cooperative - Employee transport truck drivers were fit tested and used full face negative pressure respirators during ammonia delivery before they completed the medical questionnaire/medical evaluation required in Appendix C of the standard.

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

Date By Which Violation Must be Abated:	08/13/2014
Proposed Penalty:	\$3600.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

Inspection Number: 964263
Inspection Date(s): 03/21/2014 - 04/03/2014
Issuance Date: 07/09/2014



Citation and Notification of Penalty

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450

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

29 CFR 1910.305(g)(1)(iv): Flexible cords were used in a manner not permitted in paragraph (g)(1)(ii):

In the shop along the south wall of Midwest Farmers Cooperative:

The employer failed to ensure that a flexible cord used to energize an electrical pump was used in a permissible manner in that the flexible cord was permitted to be used in lieu of permanent wiring and the flexible cord was run through a hole in the wall to its electrical source / outlet inside of the wall.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$3600.00

A handwritten signature in cursive script that reads "Bonita Winingham".

Bonita Winingham
Area Director

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
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114
Phone: 402-553-0171 Fax: 402-551-1288



INVOICE / DEBT COLLECTION NOTICE

Company Name: Midwest Farmers Cooperative
Inspection Site: 600 South 10th Street, Tecumseh, NE 68450
Issuance Date: 07/09/2014

Summary of Penalties for Inspection Number	964263
Citation 1, Serious	\$62101.00
TOTAL PROPOSED PENALTIES	\$62101.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$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.

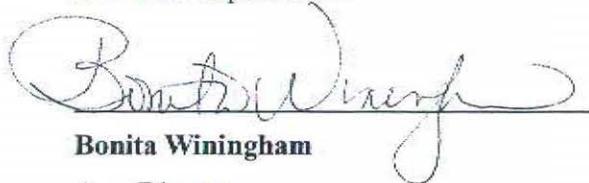
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

7/9/2014

Date