

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:
Nebraska Cold Storage, Inc.
600 East 39th Street
Hastings, NE 68901

Inspection Number: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013

Inspection Site:
600 East 39th Street
Hastings, NE 68901

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.

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

Notification of Corrective Action – For each violation which you do not contest, you 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.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901
Issuance Date: 09/19/2013

Inspection Number: 897572

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 and E-Mail

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: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(d)(3)(i)(B):

Process safety information pertaining to the equipment in the process did not include accurate Piping and Instrumentation Diagrams (P&ID):

Throughout the Facility: The Piping and Instrumentation Diagram developed for the system did not include all of the components of the system. Safety Relief Valves (SRV) located on the system compressors vent to a header system which then vents to the roof. The P&ID shows that each SRV vents directly to atmosphere omitting the header systems.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of the 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:

10/18/2013

Proposed Penalty:

\$2800.00

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

Inspection Number: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(e)(7):

Employers shall retain process hazards analyses and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in paragraph (e)(5) of this section for the life of the process.

Worksite located at 600 E. 39th Street, Hastings, NE; Throughout the facility: The employer failed to maintain the original Process Hazard Analysis for the facility. It was conducted in 1999. This would include the findings, recommendations, and resolutions.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/18/2013
\$2000.00

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: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(n):

The employer did not implement an emergency plan for the entire plant in accordance with the provisions of 29 CFR 1910.38:

Work site located at 600 E. 39th Street, Hastings, NE; throughout the company.: The employer has not developed exit routes for the employees to follow in the event of an evacuation. The facility uses ammonia as part of their refrigeration system and a release could harm any employee that does not evacuate to a safe, predetermined area. The evacuation plan should include a method for determining the safe route and rally point utilizing a wind sock to determine the safe upwind predetermined evacuation location.

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:

10/18/2013

Proposed Penalty:

\$2800.00

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

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Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.147(c)(7)(i):

The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:

Worksite located at 600 E. 39th Street, Hastings, NE; throughout the facility.: The employer failed to ensure that any employee involved or affected by lockout/tag out operations had received the level of training necessary to ensure the safe application, usage and removal of energy control devices.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/18/2013
\$2000.00

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

Inspection Number: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.176(b):
Storage of Material created a hazard (based on improper installation and use).

Work Site located at 600 E. 39th Street, Hastings, NE; cold storage warehouses: The storage racks within the cold storage warehouses have sustained damage that change the strength and stability of the system as intended by the manufacturer.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/18/2013
\$1600.00

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: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.178(l)(4)(iii):

An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

Worksite located at 600 E. 39th Street, Hastings, NE; Throughout the Facility: The employer failed to ensure that each operator of a powered industrial truck was evaluated every three years as required. An employee has not had a re-evaluation since 2000.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/10/2013
\$1600.00

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

Inspection Number: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.303(g)(1)(i)(B):

For electric equipment operating at 600 volts, nominal, or less to ground, and likely to require examination, adjustment, servicing, or maintenance while energized, the width of the working space in front of electrical equipment was less than the width of the equipment or 762 mm (30 inches), whichever was greater:

Worksite located at 600 E. 39th Street, Hastings, NE; Fork Truck Charging Area: An electrical disconnect (circuit breaker panel) did not have the necessary clear space as identified in 1910.303(g)(1). In this case, the clear space should have been at 30 inches and was limited to 25 inches.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/10/2013
\$2000.00

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: 897572
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Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.305(e)(1):

Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture or water from entering and accumulating within the enclosures:

Work Site located at 600 E. 39th Street, Hastings, NE; Engine Room: Electrical components such as junction boxes and conduit are not designed for exposure to wet or damp locations. In this case, the components are part of the circuits related to an anhydrous ammonia refrigeration system and have become encased in ice (wet location).

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/18/2013
\$2000.00

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

Inspection Number: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.305(g)(1)(iv)(A):

Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

Work site located at 600 E. 39th Street, Hastings, NE; Engine Room: An extension cord was plugged into an outlet and then run over the top of an overhead door to power a water filtration unit (de-ionizer) used to refill fork truck batteries. The cord had been in place for over 1 year which is beyond temporary use.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/18/2013
\$2000.00

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

Inspection Number: 897572
Inspection Date(s): 03/26/2013 - 04/11/2013
Issuance Date: 09/19/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.305(g)(2)(iii):

Flexible cords and cables were not connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

Work Site located at 600 E. 39th Street, Hastings, NE; Loading Dock: An Exide fork truck battery charger has a cord which has come away from the plug creating an issue of strain relief. This allowed all of the weight of the cord to be transmitted to the terminal screws which can create resistance issues.

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

Date By Which Violation Must be Abated:
Proposed Penalty:

10/10/2013
\$2000.00

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: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

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

29 CFR 1910.119(f)(1)(iii)(B):

The employer has failed to develop and implement written operating procedures that provide clear instructions for taking the precautions necessary to prevent exposure; including engineering controls, administrative controls, and personal protective equipment:

Work site located at 600 E. 39th Street, Hastings, NE; Throughout the Facility: The employer failed to develop and implement procedures and controls putting into place the precautions necessary to prevent employees from exposure to anhydrous ammonia. The company has not adequately addressed how employees are protected or how they would be protected, e.g., engineering control, PPE, or some other method, in the event of an upset condition.

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:

10/18/2013

Proposed Penalty:

\$28000.00



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(f)(1)(iii)(C):

The employer has failed to develop and implement an operating procedure discussing the control measures to be taken if physical contact or airborne exposure occurs.

Work site located at 600 E. 39th Street, Hastings, NE; Throughout the Facility: The employer did not develop an operating procedure that discusses what actions will be taken in the event of an exposure to anhydrous ammonia. The employer has failed to develop a procedure for response actions for employee exposure that would include but is not limited to event escalation, emergency response, or containment.

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:

10/18/2013



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(j)(2):

The employer did not establish written procedures to maintain the on-going integrity of process equipment:

Throughout the Facility: The employer has not developed any procedures for ensuring the mechanical integrity of the system. This would include a program outlining preventative maintenance, component replacement, and/or repair. One such example would be a valve replacement procedure to include a change out schedule for safety relieve valves. During the inspection it was also found that the company did not have a piping inspection procedure. Rusted piping was found in a number of locations that had not been mitigated.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of the 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:
Proposed Penalty:

10/18/2013
\$28000.00



Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(j)(5):

The employer did not correct deficiencies in equipment that were outside acceptable limits (defined by the process safety information on paragraph (d) of this section) before further use or in a safe and timely manner when necessary means were taken to assure safe operation:

Work site located at 600 E. 39th Street, Hastings, NE; Engine Room: The following deficiencies at the site were not corrected:

- a) The employer did not ensure that safety relief valves installed in the ammonia refrigeration system to prevent over-pressurization conditions were changed within the timeframes established by the manufacturer. The valves are to be changed at least every 5 years or in the event of a release. Two valves, 804 A&B, in the engine room were 1 year past due.
- b) Rusted piping, damaged insulation and ice buildup in the engine room had not been addressed since originally being identified in 2009. These three items are all related to the ammonia refrigeration process piping and associated components. One instance of icing had encapsulated an ammonia pump and motor to the point where the items were not identifiable.
- c) Engine room ventilation motors are not of the explosion proof variety. Due to the flammable nature of anhydrous ammonia, ventilation system that are designed to evacuate any leaked material shall not present an ignition source for the listed highly hazardous chemical. This item was identified in 2009.
- d) Engine Room intake vents are not of the fail open variety. In the event the intake vents fail, the required continuous ventilation for the room would be disrupted. This item was identified in 2009.

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.

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: 897572
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Citation and Notification of Penalty

Company Name: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

10/18/2013
\$28000.00

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: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901

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

29 CFR 1910.119(o)(4):

The employer did not promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

Work site located at 600 E. 39th Street, Hastings, NE; Throughout the Company: The employer failed to develop a system to track any identified deficiencies noted during the Process Safety Management Audit. There were twenty-two items identified in the 2010 audit and no method to track those open items until they were corrected. As of the inspection date, there were still 12 open items from the audit.

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.

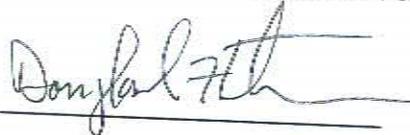
ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

Proposed Penalty:

10/18/2013

\$28000.00

for 

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: Nebraska Cold Storage, Inc.
Inspection Site: 600 East 39th Street, Hastings, NE 68901
Issuance Date: 09/19/2013

Summary of Penalties for Inspection Number	897572
Citation 1, Serious	\$20800.00
Citation 2, Willful	\$112000.00
TOTAL PROPOSED PENALTIES	\$132800.00

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.

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

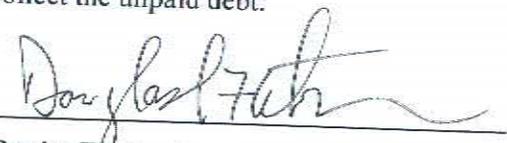
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

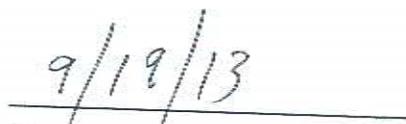
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

for 
Bonita Winingham
Area Director


Date