

U.S. Department of Labor
Occupational Safety and Health Administration
2900 4th Avenue North, Suite 303
Billings, MT 59101
Phone: 406-247-7494 Fax: 406-247-7499



Citation and Notification of Penalty

To:
The Western Sugar Cooperative
3020 STATE AVE.
Billings, MT 59101

Inspection Number: 879483
Inspection Date(s): 01/29/2013 - 02/08/2013
Issuance Date: 07/25/2013

Inspection Site:
3020 State Ave.
Billings, MT

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.

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 07/25/2013. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on _____ at _____.

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 879483

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 State Ave., Billings, MT
Issuance Date: 07/25/2013

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, 2900 4th Avenue North, Suite 303, Billings, MT 59101**

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.24(h): Standard railings were not provided on the open sides of all exposed stairways and stair platforms:

- (a) Sugar Beet Receiving: On or about January 29, 2013 and times prior thereto, employees were exposed to a fall of approximately ten feet to the concrete below while using a stairway to gain access to the hopper in that the stairway is missing the mid rail.
- (b) Bulk Line: On or about January 29, 2013 and times prior thereto, employees were exposed to a fall of approximately eight feet to the concrete below while using a stairway to gain access to the metal detector in that the stairway is missing the standard railing on the left side as you access the upper platform.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$4400.00



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.36(d)(1): Employees were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

(a) Boiler House, South exit: On or about January 29, 2013 and times prior thereto, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that had a dead bolt lock that required a key to unlock and open.

(b) Jerry Turkin Area, Southeast corner exit: On or about January 29, 2013 and times prior thereto, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that required special knowledge in order to open. There are two doors at this emergency exit that are impeded with two different retention bars and each requires a different action in order to open.

(c) Rail Loading Area, Northeast corner exit: On or about January 29, 2013 and times prior thereto, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that had a Barrel Bolt Latch to secure the door. This door is locked at all times.

(d) Warehouse, Loading Dock: On or about January 29, 2013 and times prior thereto, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that had two doors, each requiring a different action in order to open. The doors were impeded with a Barrel Bolt Latch used to secure the door.

(e) Warehouse, Shipping Office: On or about January 29, 2013 and times prior thereto, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that had a dead bolt to secure the door. This door is locked at all times.

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Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

(f) Main Building, Front Office Door: On or about January 29, 2013 and times prior thereto, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that had a dead bolt to secure the door. This door is locked during the night shift during the campaign season.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$5500.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.169(b)(2): Air receiver(s) were not drained frequently and at such intervals as to prevent the accumulation of excessive amounts of liquid in the receiver:

(a) Shipping/Receiving Dock: On or about January 29, 2013 and times prior thereto, employees were exposed to the hazards associated with a high pressure vessel rupture due to oxidation from an accumulation of water in the Atlas Copco GAU 25-145 Air Compressor air tank.

(b) MCC Deck: On or about January 29, 2013 and times prior thereto, employees were exposed to the hazards associated with a high pressure vessel rupture due to oxidation from an accumulation of water in the unlabeled Air Compressor air tank.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2013
\$4400.00

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

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Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.179(h)(4): Hooks did not meet the manufacturer's recommendations:

(a) Gran Pon Filters: On or about January 29, 2013 and times prior thereto, employees were exposed to being struck by the filter cover while removing them with a two ton bridge crane that had a missing safety latch where the load attaches to the crane latch and a damaged safety latch where the crane attaches to the bridge.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2013
\$4400.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

- (a) Quality Analysis Laboratory: On or about January 29, 2013 and times prior thereto, employees were exposed to caught in hazards while working on the brie belt conveyor.
- (b) Beet Handling: On or about January 29, 2013 and times prior thereto, employees were exposed to caught in hazards while working around the beet belt conveyor.
- (c) MCC Deck: On or about January 29, 2013 and times prior thereto, employees were exposed to caught in hazards while working in the area of the screw conveyor.
- (d) Mechanic Shop: On or about January 29, 2013 and times prior thereto, employees were exposed to caught in hazards while working in the area of the Axelson Lathe.
- (e) Upper Maintenance Area: On or about January 29, 2013 and times prior thereto, employees were exposed to caught in hazards while working on Delta Drill Press with an unguarded chuck.
- (f) Forklift Shop: On or about January 29, 2013 and times prior thereto, employees were exposed to struck by hazard while operating the Dake Power Press
- (g) Mechanic Shop: On or about January 29, 2013 and times prior thereto, employees were exposed to caught in hazards while working with an unmarked bench grinder equipped with only a wire wheel that had an unguarded spindle nut.

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

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Occupational Safety and Health Administration

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Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

(h) Forklift Shop: On or about January 29, 2013 and times prior thereto, employees were exposed to an amputation hazard while operating the Scotchman Hydraulic Press Brake.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2013
\$7000.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.212(b): Machine(s) designed for fixed location(s) were not securely anchored to prevent walking or moving:

(a) Upper Maintenance Area: On or about January 29, 2013 and times prior thereto, the Delta Milwaukee Drill Press was not securely anchored to prevent walking or moving. To actuate the drill press, the employee pulls down on the handle of the press which tips the press towards the employee. Operating the Delta Milwaukee Drill Press while it is not securely anchored exposed employees to a struck by hazard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$4400.00



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.219(c)(3): Vertical and inclined shafting seven (7) feet or less from floor or working platform, excepting maintenance runways, were not enclosed with a stationary casing in accordance with requirements of paragraphs (m) and (o) of this section:

- (a) Centrifuge Room: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the Roberts Centrifuges #3.
- (b) Centrifuge Room: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the Roberts Centrifuge #4.
- (c) Centrifuge Room: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the Roberts Centrifuges #5.
- (d) Centrifuge Room: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the Roberts Centrifuges #6.
- (e) Centrifuge Room: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the Roberts Centrifuges #7.
- (f) Pan Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the A Pan Agitator.
- (g) Pan Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the B Pan Agitator.
- (h) Pan Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the C Pan Agitator.

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

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Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

(i) Pan Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to getting caught in the unguarded shafts on the E Pan Agitator.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$7000.00

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: 879483
Inspection Date(s): 01/29/2013 - 02/08/2013
Issuance Date: 07/25/2013



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

(a) Sugar Boiler Area: On or about January 29, 2013 and times prior thereto, employees are exposed to caught in hazards while working and walking in and around an unguarded projecting shaft end of the Fondit Mixer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2013
\$4400.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

(a) Laboratory: On or about January 29, 2013 and times prior thereto, employees are exposed to electric shocks and fires due to using two and four gang boxes that are designed for permanent internal wall use as temporary extension cords receptacles.

(b) Water Sample Shed: On or about 29 January 2013 and time prior thereto, employees are exposed to electric shocks and fires due to using two gang boxes that are designed for permanent internal wall use as temporary extension cords receptacles.

(c) Water Sample Shed: On or about 29 January 2013 and time prior thereto, employees were exposed to electric shocks and fires due to using a light bulb socket designed for permanent internal wall use as temporary lighting.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/15/2013

Proposed Penalty:

\$4400.00

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
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Issuance Date: 07/25/2013



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

(a) Sump Pump Room: On or about January 29, 2013 and times prior thereto, employees were exposed to an electric shock from an unused opening in a float switch junction box.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$5500.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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 11 a 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:

(a) Loading Dock: On or about January 29, 2013 and times prior thereto, employees were exposed to electric shock by using a 120 volt extension cord as a replacement for permanent wiring for flood lights and various electrical equipment.

(b) Centrifuge Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to electric shock by using a 120 volt extension cord as a replacement for permanent wiring for fans and various electrical equipment.

(c) Rail Loading Platform: On or about January 29, 2013 and times prior thereto, employees were exposed electric shock by using a 120 volt extension cord as a replacement for permanent wiring for flood lights and various electrical equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$4400.00

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: 879483
Inspection Date(s): 01/29/2013 - 02/08/2013
Issuance Date: 07/25/2013



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

Citation 1 Item 11 b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(C): Flexible cords and cables were used where run through doorways, windows, or similar openings:

(a) Loading Dock: On or about January 29, 2013 and times prior thereto, employees were exposed to electric shock by using a 120 volt extension cord that was run through the doorway on the loading dock.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/15/2013

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

Citation 1 Item 11 c Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(D): Flexible cords and cables were used where attached to building surfaces:

(a) Centrifuge Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to electric shock by using a 120 volt extension cord attached to building surfaces.

(b) Rail Loading Platform: On or about January 29, 2013 and times prior thereto, employees were exposed electric shock by using a 120 volt extension cord attached to building surfaces.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/15/2013

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

Inspection Number: 879483
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Issuance Date: 07/25/2013



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

Citation 1 Item 11 d 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 was provided that would prevent pull from being directly transmitted to joints or terminal screws:

(a) Rail Loading Platform: On or about January 29, 2013 and times prior thereto, employees were exposed electric shock by using a 120 volt conveyor switch that had a lack of strain relief to prevent the direct pull on the conductors.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

08/15/2013

* 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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.305(j)(2)(iv): A receptacle installed in a wet or damp location was not suitable for the location:

(a) Water Sample Shed: On or about 29 January 2013 and time prior thereto, employees were exposed to electric shock due to using three electrical outlets in the wet location to provide power to the temporary lighting fixture.

(b) Factory Laboratory: On or about January 29, 2013 and times prior thereto, employees are exposed to electric shock due to using the electrical outlets located in and around laboratory sinks to provide power to the laboratory equipment.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2013
\$5500.00



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

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:

(a) Boiler House Coal Ovens: On or about January 29, 2013 and times prior thereto, approximately one fourth inch of combustible coal dust had accumulated on surfaces such as but not limited to, overhead piping, support structure and conduit. The overhead areas are cleaned one time per year. The accumulation of combustible coal dust exposed employees to fire and/or explosion hazards.

THE WESTERN SUGAR COOPERATIVE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311216287, CITATION 01, ITEM NUMBER 002 AND WAS AFFIRMED AS A FINAL ORDER ON JANUARY 12, 2009, WITH RESPECT TO A WORKPLACE LOCATED AT 3020 STATE AVENUE, BILLINGS, MONTANA 59101.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 08/15/2013
Proposed Penalty: \$38500.00



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

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

(a) Bulk Shaker Deck: On or about January 29, 2013 and times prior thereto, employees were exposed to a fall of approximately fifteen feet to the floor below while working on the upper platform.

THE WESTERN SUGAR COOPERATIVE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311221220, CITATION NUMBER 001, ITEM NUMBER 001 AND WAS AFFIRMED AS A FINAL ORDER ON APRIL 6, 2010, WITH RESPECT TO THE WORKPLACE LOCATED AT 3020 STATE AVENUE, BILLINGS, MONTANA 59101

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$27500.00



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

(a) Pellet Mill Furnace: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

(b) East Dryer Fire Box Pit: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

(c) West Dryer Fire Box Pit: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

(d) Pellet Mill/Furnace Pit: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

(e) East Dryer Drum: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

(f) West Dryer Drums: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

(g) East Dryer: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

(h) West Dryer: On or about January 29, 2013 and times prior thereto, employees were exposed to acute illness, impairment of ability to self-rescue, and/or death from atmospheres such as but not limited to; oxygen deficient atmospheres and carbon monoxide in the event they entered the confined space without being warned of the hazards and existence of confined space.

THE WESTERN SUGAR COOPERATIVE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311909444, CITATION 02, ITEM NUMBER 001 AND WAS AFFIRMED AS A FINAL ORDER ON MARCH 10, 2009, WITH RESPECT TO A WORKPLACE LOCATED AT 18317 HIGHWAY 144, FORT MORGAN COLORADO 80701.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$27500.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

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

29 CFR 1910.219(c)(2)(i): All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, were not protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires:

(a) Maintenance Area and Plant: On or about January 29, 2013 and times prior thereto, employees were exposed to amputation hazards and caught in hazards while working, and walking in and around unguarded or inadequately guarded FLOC pumps.

(b) Pan Floor: On or about January 29, 2013 and times prior thereto, employees were exposed to amputation hazards and caught in hazards while working, and walking in and around unguarded or inadequately guarded evaporator vacuum pumps.

(c) Knife Station: On or about January 29, 2013 and times prior thereto, employees were exposed to amputation hazards and caught in hazards while working, and walking in and around unguarded or inadequately guarded slicer motor shafts.

(d) MCC Deck: On or about January 29, 2013 and times prior thereto, employees were exposed to amputation hazards and caught in hazards while working, and walking in and around an unguarded or inadequately guarded shaft on the screw conveyor.

(e) Knife Sharpening Room: On or about January 29, 2013 and times prior thereto, employees were exposed to amputation hazards and caught in hazards while working, and walking in and around an unguarded or inadequately guarded shaft on the knife sharpeners.

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

Inspection Number: 879483
Inspection Date(s): 01/29/2013 - 02/08/2013
Issuance Date: 07/25/2013



Citation and Notification of Penalty

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

THE WESTERN SUGAR COOPERATIVE WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCUPATIONAL SAFETY AND HEALTH STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311463145, CITATION 01, ITEM NUMBER 006 AND WAS AFFIRMED AS A FINAL ORDER ON MARCH 09, 2009, WITH RESPECT TO A WORKPLACE LOCATED AT 2100 OVERLAND DRIVE, SCOTTSBLUFF, NEBRASKA 69361.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	08/15/2013
Proposed Penalty:	\$38500.00

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: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(k)(6): The basic advisory information on respirators, as presented in Appendix D of this section, was not provided by the employer in any written or oral format, to employees who wear respirators when such use is not required by this section or by the employer:

(a) Laboratory: On or about January 29, 2013 and times prior thereto, employees were provided with N95 Dust Masks without being provided Appendix D of 29 CFR 1910.134.

(b) Maintenance Shop: On or about 29 January, 2013 and at time prior thereto, employees were provided N95 Dust Masks without being provided Appendix D of 29 CFR 1910.134.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/15/2013
\$0.00



Jeff R. Funke, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2900 4th Avenue North, Suite 303
Billings, MT 59101
Phone: 406-247-7494 Fax: 406-247-7499



INVOICE / DEBT COLLECTION NOTICE

Company Name: The Western Sugar Cooperative
Inspection Site: 3020 STATE AVE., Billings, MT
Issuance Date: 07/25/2013

Summary of Penalties for Inspection Number	879483
Citation 1, Serious	\$61300.00
Citation 2, Repeat	\$132000.00
Citation 3, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$193300.00

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.

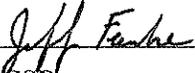
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Jeff R. Funke, CSP
Area Director

7/25/13
Date