

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Department of Labor - OSHA
450 Mall Boulevard - Suite J
Savannah, GA 31406
Phone: (912)652-4393 FAX: (111)222-3333



Citation and Notification of Penalty

To:
Ware Milling Company, Inc.
and its successors
1250 Albany Ave
Waycross, GA 31501

Inspection Number: 314096579
Inspection Date(s): 12/07/2011-12/08/2011
Issuance Date: 05/02/2012

Inspection Site:
1250 Albany Ave
Waycross, GA 31501

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 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 page 5 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 are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

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.

ABATEMENT CERTIFICATION

Robert E. Vazzi, Area Director
U.S. Department of Labor - OSHA
U.S. Department of Labor - OSHA
450 Mall Boulevard - Suite J
Savannah, GA 31406
Phone: (912)652-4393

Ware Milling Company, Inc.
1250 Albany Ave
Waycross, GA 31501

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

The hazard referenced in Inspection Number _____ for the violation identified as
Citation _____ and Item _____ was corrected on _____
by _____.

I attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement activities described in this certification.

Signature

Typed or Printed Name



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/02/2012. The conference will be held at the OSHA office located at U.S. Department of Labor - OSHA, 450 Mall Boulevard - Suite J, Savannah, GA, 31406 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.23(a)(9): Floor hole(s) into which persons could not accidentally walk were not protected by securely held covers:

- a) Around the blue mixing machine in the feed mill, on or about and at times prior to March 28, 2012, employees were exposed to a trip and fall hazard because a floor hole that measured 2 feet by 1 foot was not covered.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2100.00

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

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

- a) At the catwalk between the feed mill and warehouse, on or about and at times prior to December 7, 2011, employees were exposed to fall hazards at approximately thirteen feet from a catwalk that did not have an intermediate rail installed.
- b) At the hammer mill pit, on or about and at times prior to December 7, 2011, employees were exposed to fall hazards at approximately five feet from a pit that did not have adequate guard railings.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 3500.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.23(d)(1)(iv): Flight(s) of stairs with 4 or more risers, more than 44 inches wide but less than 88 inches wide, were not equipped with one standard handrail on each enclosed side and one standard stair railing on each side:

- a) Steps leading down from the feed mill to catwalk stairs, on or about and at times prior to December 7, 2011, employees were exposed to trip and fall hazards because the steps did not have a stair railing installed on each side of the steps.
- b) Steps leading down to the electrical control area in the feed mill, on or about an at times prior to December 7, 2011, employees were exposed to trip and fall hazards because the steps did not have a stair railing installed on each side of the steps.
- c) Steps leading to the feed mill at the loading area, on or about an at times prior to December 7, 2011, employees were exposed to trip and fall hazards because the steps did not have a stair railing installed on each side of the steps.
- d) Steps leading down to the bins from the feed mill, on or about an at times prior to December 7, 2011, employees were exposed to trip and fall hazards because the steps did not have a stair railing installed on each side of the steps.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 2100.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.110(h)(6)(ii)(b): Containers shall be protected by crash rails or guards to prevent physical damage unless they are so protected by virtue of their location.

- a) At the propane tank, on or about and at times prior to December 7, 2011, employees were exposed to fire hazards from a propane tank that was not protected to prevent it from being damaged by vehicles such as, but not limited to, trucks and forklifts that operated in the area.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2800.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.134(a)(2): Where respirators were required to protect the health of employees, the employer did not establish and maintain a written respiratory protection program, which included the requirements outlined in paragraph (c) of this section.

- a) The employer did not establish a written respiratory program for an employee who operated the hammer mill, feed bagger, corn cracker, and farm tractor that was overexposed to respirable particulates not otherwise regulated (PNOR) at an 8-hour time weighted average (TWA) of 17.02 milligrams per cubic meter (mg/m³). The permissible exposure limit (PEL) for PNOR was 5.0 mg/m³. This employee's exposure exceeded the PEL by 3.4 times, which required at least respirator use. The exposure was derived from samples collected over a 365-minute sample period on December 13, 2011. A zero exposure was calculated for the remaining un-sampled period of 115 minutes.
- b) The employer did not establish a written respiratory program for an employee who operated the hammer mill, corn cracker, augers, and mixer that was overexposed to PNOR at an 8-hour TWA of 38.73 mg/m³. This employee's exposure exceeded the PEL by 7.75 times, which required at least respirator use. The exposure was derived from samples collected over a 355-minute sampling period on December 13, 2011. A zero exposure was calculated for the remaining un-sampled period of 125 minutes.

ABATEMENT CERTIFICATION IS REQUIRED.

Abatement Note:

A minimally acceptable respiratory protection program shall include all of the following requirements:

1. Written standard operating procedures governing the selection and use of respirators shall be established.
2. Only approved respirators shall be used. Respirators shall be selected on the basis of hazards to which the worker is exposed.

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

3. Respirators must be provided free-of-charge where respirators are needed to protect the health of the employees.
4. Employers must provide (free-of-charge) a medical evaluation to determine each employee's fitness to wear a respirator before initial use.
5. Before initial respirator use, fit testing is required for all employees using negative or positive pressure tight-fitting respirators where such respirators are required by OSHA or where the employer requires the use of such a respirator.
6. The user shall be instructed and trained in the proper use of respirators and their limitations.
7. Surveillance of work area conditions and degree of employee exposure or stress shall be conducted.
8. Employer must ensure the use of respirators where respirators are needed to protect the health of the employees.
9. Respirators shall be regularly cleaned and disinfected to keep them in a sanitary condition.
10. Respirators shall be stored in a clean and sanitary location to prevent damage and contamination.
11. Respirators shall be inspected during cleaning and repaired when necessary.
12. There shall be regular inspection and evaluation to determine the continued effectiveness of the program.
13. Compressed breathing air must meet at least the requirements for Grade D breathing air.
14. The employer must establish and retain medical evaluations and fit-testing records.

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 4200.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

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

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of respirable particulates not otherwise regulated (PNOR) listed in Table Z-1 in excess of the 8-hour Time Weighted Average (TWA):

- a) The employer did not establish a written respiratory program for an employee who operated the hammer mill, feed bagger, corn cracker, and farm tractor that was overexposed to (PNOR) at an 8-hour (TWA) of 17.02 (mg/m³). The permissible exposure limit (PEL) for PNOR was 5.0 mg/m³. This employee's exposure exceeded the PEL by 3.4 times. The exposure was derived from samples collected over a 365-minute sample period on December 13, 2011. A zero exposure was calculated for the remaining un-sampled period of 115 minutes.
- b) The employer did not establish a written respiratory program for an employee who operated the hammer mill, corn cracker, augers, and mixer that was overexposed to PNOR at and 8-hour TWA of 38.73 mg/m³. This employee's exposure exceeded the PEL by 7.75 times. The exposure was derived from samples collected over a 355-minute sampling period on December 13, 2011. A zero exposure was calculated for the remaining un-sampled period of 125 minutes.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 09/10/2012
Proposed Penalty: \$ 4200.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

- a) An employee who operated the hammer mill, feed bagger, corn cracker, and farm tractor was overexposed to respirable particulates not otherwise regulated (PNOR) at an 8-hour time weighted average (TWA) of 17.02 milligrams per cubic meter (mg/m³). The permissible exposure limit (PEL) for PNOR was 5.0 mg/m³. This employee's exposure exceeded the PEL by 3.4 times. The exposure was derived from samples collected over a 365-minute sample period on December 13, 2011. A zero exposure was calculated for the remaining un-sampled period of 115 minutes. Feasible administrative or engineering controls were not implemented to control the amount of airborne PNOR.
- b) An employee who operated the hammer mill, corn cracker, augers, and mixer was overexposed to PNOR at an 8-hour TWA of 38.73 mg/m³. This employee's exposure exceeded the PEL by 7.75 times, which required at least respirator use. The exposure was derived from samples collected over a 355-minute sampling period on December 13, 2011. A zero exposure was calculated for the remaining un-sampled period of 125 minutes. Feasible administrative or engineering controls were not implemented to control the amount of airborne PNOR.

ABATEMENT CERTIFICATION IS REQUIRED.

ABATEMENT SCHEDULE

STEP 1 - Effective respiratory protection shall be provided and used by employees as an interim protective measure.

STEP 2 - Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which should be consistent with the dates required by the citation:

- a) Evaluation of the extent and location of the hazard source;
 - b) Evaluation of control measure options;
-

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

- c) Selection of optimum control measures;
- d) Determination of control measure design;
- e) Ordering and delivery of equipment and materials;
- f) Installation of control measures;
- g) Training of employees in the proper operation and maintenance of the newly implemented control measures; and
- h) Assurance of effective performance of control measures.

All proposed control measures shall be approved for each particular use by a competent Industrial Hygienist or other technically qualified person. Progress reports are required during the abatement period.

STEP 3 - Correction shall be completed by the implementation of feasible engineering and/or administrative controls and their effectiveness at achieving compliance verified.

Date By Which Violation Must be Abated: 09/10/2012



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

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

29 CFR 1910.219(d)(1): Pulley(s) with part(s) seven feet or less from the floor or work platform were not guarded in accordance with the requirements specified at 29 CFR 1910.219(m) & (o):

- a) On the corn cracker near the warehouse receiving pit, on or about and at times prior to December 7, 2011, employees were exposed to rotating parts on unguarded pulleys used to clean and process corn.
- b) On the elevator conveyance system behind the corn cleaner near the warehouse receiving pit, on or about and at times prior to December 7, 2011, employees were exposed to rotating parts on unguarded pulleys used to convey grains.
- c) In the warehouse on the corn cracker at the hammer mill, on or about and at times prior to December 7, 2011, employees were exposed to rotating parts on unguarded pulleys used to crack corn.

ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 4900.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.219(e)(1)(i): Horizontal belts which had both runs seven feet or less from the floor level were not guarded with a guard that extended to at least fifteen inches above the belt:

- a) On the corn cracker near the warehouse receiving pit, on or about and at times prior to December 7, 2011, employees were exposed to a rotating unguarded belt used to clean and process corn.
- b) On the elevator conveyance motor behind the corn cracker near the warehouse receiving pit, on or about and at times prior to December 7, 2011, employees were exposed to a rotating unguarded belt used to convey grains.
- c) In the warehouse on the corn cracker at the hammer mill, on or about and at times prior to December 7, 2011, employees were exposed to a rotating unguarded belt used to crack corn.

ABATEMENT CERTIFICATION AND DOCUMENTATION ARE REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012

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

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

- a) In the warehouse and feed mill, on or about and at times prior to December 7, 2011, employees were cleaning themselves and equipment with compressed air set at approximately 75 psi.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2800.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.272(k): Receiving-pit feed openings in the grain handling facility, such as truck or railcar receiving-pits, were not covered by grates that had a maximum opening width of 2 1/2 inches:

- a) On or about December 7, 2011, employees who walked over the truck receiving pit were exposed to a trip and fall hazard in that there was an opening in the grate of 5 1/2 inches.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2100.00

Citation 1 Item 10 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) In the feed mill, on or about November 8, 2011 and at times prior to, flexible cords were used in lieu of fixed wiring to power equipment such as, but not limited to, Fischbein bag closers and fans exposing employees to an electrical hazard.

ABATEMENT CERTIFICATION IS NOT REQUIRED

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 2100.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.305(g)(2)(iii): Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws:

- a) In the warehouse, on or about November 8, 2011 and at times prior to, strain relief was missing from an extension cord powering a portable sewing machine exposing employees to an electrical hazard.
- b) In the feed mill, on or about December 7, 2011 and at times prior to, strain relief was missing from a mixer motor conduit exposing employees to an electrical hazard.
- c) Warehouse - on or about November 8, 2011 and at times prior to, the outer jacket on the extension power cord that was used to power the floor model fan was withdrawn exposing the inner conductors and terminals to strain and exposing employees to an electrical hazard.

ABATEMENT CERTIFICATION IS REQUIRED

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 2100.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

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

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

- a) On or about December 7, 2011, the employer did not develop and implement a written hazard communication program that described how the criteria specified in 29 CFR 1910.1200 (f), (g), and (h) would be met for employees who had exposure to hazardous materials such as, but not limited to, transmission fluid, gasoline, propane, and combustible dust from the grains.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2100.00

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

29 CFR 1910.1200(f)(5): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

- a) On or about December 7, 2011, the employer did not ensure that the propane tank at out side the facility on property was labeled, tagged or marked with the identity of the contents.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used:

- a) On or about December 7, 2011, employees working the facility filling propane tanks, fueling the vehicles, maintaining vehicles, maintaining trucks, and operating the hammer mill, were exposed to combustible dust from grains, flammable liquids, combustible liquids, and skin irritant chemicals. The employer did not have the material safety data sheets for the referenced chemicals.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012

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

29 CFR 1910.1200(h)(1): The employer did not provide employees with effective information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new physical or health hazard the employees had not previously been trained about was introduced into their work area:

- a) On or about December 7, 2011, employees working in the facility filling propane tanks, fueling the vehicles, maintaining vehicles, maintaining trucks, and operating the hammer mill, were exposed to combustible dust from grains, flammable liquids, combustible liquids, and skin irritant chemicals without training or instruction with the information that would satisfy the requirements of 29 CFR 1910.1200(h)(2) and (3):

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1904.29(a): A Log of all Work-Related Injuries and Illnesses (OSHA Form 300), and/or the Summary of Work-Related Injuries and Illnesses, (OSHA Form 300-A), and/or the Injury and Illness Incident Report (OSHA Form 301) or equivalent forms were not kept by the establishment:

- a) On or about and at times prior to December 7, 2011, the employer did not maintain a log of all Work-Related Injuries and Illnesses (OSHA Form 300 or equivalent) for the 2011 calendar year.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 700.00

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

29 CFR 1910.134(c)(2)(i): When the employer determined that any voluntary respirator use was permissible, the employer did not provide the respirator users with the information contained in Appendix D of this section ("Information for Employees Using Respirators When Not Required Under the Standard"):

- a) On or about December 13, 2011, at the Waycross, GA facility, the employer did not provide the information contained in Appendix D of 29 CFR 1910.134 to employees who voluntarily wore N95 filtering face piece respirators.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 0.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

Citation 2 Item 3 Type of Violation: Other

29 CFR 1910.178(l)(6): The employer had not certified that each operator had been trained and evaluated as required by this paragraph:

- a) In the warehouse and feed mill, on or about and at times prior to December 7, 2011, the employer did not ensure that employees were adequately trained to operate forklifts used to move bags of seeds and fertilizers.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 0.00



Citation and Notification of Penalty

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

- a) In the warehouse, on or about and at times prior to December 7, 2011, the employer did not ensure that employees inspected a forklift for safe operation used to move bagged grains before use.

ABATEMENT CERTIFICATION IS REQUIRED.

Date By Which Violation Must be Abated: 06/18/2012
Proposed Penalty: \$ 0.00



Robert E. Vazzi
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Department of Labor - OSHA
450 Mall Boulevard - Suite J
Savannah, GA 31406
Phone: (912)652-4393 FAX: (912)652-4329



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Ware Milling Company, Inc.
Inspection Site: 1250 Albany Ave, Waycross, GA 31501
Issuance Date: 05/02/2012
Summary of Penalties for Inspection Number 314096579

Citation 1, Serious	= \$	35000.00
Citation 2, Other	= \$	700.00
TOTAL PROPOSED PENALTIES	= \$	35700.00

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 put on any check or money order for less than the full amount due and will cash 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 funds 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 4%. 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.



Robert E. Vazzi
Area Director

5-2-12

Date

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Citation and Notification of Penalty.

If the hazards itemized on this citation(s) are not abated/corrected and a follow-up inspection is conducted, your establishment may receive a Failure to Abate Citation for the uncorrected hazards with subsequent additional monetary penalties of up to thirty (30) times the original penalty amount of the uncorrected hazards.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the Citation(s).

