

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 400
271 W. Third St. N.
Wichita, KS 67202
Phone: (316)269-6644 FAX: (316) 269-6185



Citation and Notification of Penalty

To:
Bartlett Grain Company, LP
and its successors
324 Riverfront Rd.
Atchison, KS 66002

Inspection Number: 316034032
Inspection Date(s): 10/30/2011-04/06/2012
Issuance Date: 04/12/2012

Inspection Site:
324 Riverfront Rd.
Atchison, KS 66002

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

Judy A. Freeman, Area Director
U.S. Department of Labor - OSHA
Suite 400
271 W. Third St. N.
Wichita, KS 67202
Phone: (316)269-6644

Bartlett Grain Company, LP
324 Riverfront Rd.
Atchison, KS 66002

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/12/2012. The conference will be held at the OSHA office located at Suite 400, 271 W. Third St. N., Wichita, KS, 67202 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.272(d): The employer did not develop and implement an emergency action plan meeting the requirements contained in 29 CFR 1910.38:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to injury from emergencies such as fire, tornado, or explosions:

- a) The employer's emergency action plan did not include an employee alarm system complying with the requirements of 29 CFR 1910.165, which is required by 29 CFR 1910.38(d).
- b) The employer had not reviewed their emergency action plan as required by 29 CFR 1910.38(f) with employees working in and near the grain elevator.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.272(e)(1)(ii): Current employees, and new employees prior to starting work were not trained in, specific procedures and safety practices applicable to their job tasks including but not limited to, clearing procedures for choked legs, housekeeping procedures, hot work procedures, preventive maintenance procedures and lockout/tagout procedures:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards. Employees were not provided adequate training, prior to starting work as a new employee and at least annually, in specific procedures and safety practices applicable to their job tasks including but not limited to clearing procedures for choked legs, housekeeping procedures, preventive maintenance procedures, lockout/tagout procedures and fall protection procedures.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.272(i)(1); Employer did not inform contractors performing work at the grain handling facility of known potential fire and explosion hazards related to contractor's work and work area or the applicable safety rules of the facility:

On or about October 29, 2011, the employer did not inform Kansas Grain Inspection Services, Inc. employees performing work at the grain elevator located at 324 Riverfront Road, Atchison, Kansas of known potential fire and explosion hazards related to the contractor's work and work areas and the applicable safety rules of the facility.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/07/2012
Proposed Penalty:	\$ 7000.00

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

1910.272(i)(2): Employer did not explain the applicable provisions of the emergency action plan to contractors:

On or about October 29, 2011, the employer did not provide information or training on the applicable provisions of the emergency action plan to Kansas Grain Inspection Services, Inc. employees performing work at the grain elevator located at 324 Riverfront Road, Atchison, Kansas.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/07/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

Citation 1 Item 5 Type of Violation: Serious

29 CFR 1910.272(j)(1): The employer did not develop and implement a written housekeeping program that established the frequency and method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards. The employer's housekeeping program was not developed and implemented to adequately address the frequency of housekeeping methods of grain dust and spilled grain for the following areas:

- a) Horizontal surfaces in the boot pit, particularly the inspection door for the tail pulley for bucket elevator leg #4.
- b) Horizontal surfaces in the boot pit on the tail pulley casing for bucket elevator leg #1.
- c) The floor of the boot pit, particularly next to the base of bucket elevator leg #3.
- d) Horizontal surface on top of the cover for truck dump conveyor #2, 15 feet away from the boot pit access.
- e) The floor of the truck dump, underneath the conveyor for truck dump #2.
- f) The floor under the truck dump hoppers for truck dumps #2 and #3. Accumulations were found underneath truck dump conveyors #3 and #4.
- g) Under the truck dump hopper #2, under truck dump conveyors #3 and #4.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29CFR 1910.272(m)(1)(i): Regularly scheduled inspections of at least the mechanical and safety control equipment associated with dryers, grain stream processing equipment, dust collection equipment including filter collectors, and bucket elevators was not accomplished:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards. The employer did not follow the manufacturers' maintenance inspection schedules, nor were the employer's inspection schedules consistently followed for the following equipment:

- a) Bucket Elevator Legs
- b) Dust Collectors
- c) Bucket Elevator Leg Belt Alignment Monitors
- d) Bucket Elevator Leg Bearing Monitors
- e) Bucket Elevator Leg Magnets

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.272(m)(1)(ii): Lubrication and other appropriate maintenance in accordance with manufacturers' recommendations, or as determined necessary by prior operating records was not accomplished:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards. The employer did not follow manufacturer's, or their own, lubrication and maintenance schedules. Equipment such as bucket elevator legs, bucket elevator leg magnets, and conveyors did not have manufacturer's information available to set recommended lubrication and maintenance intervals.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.272(m)(3): A certification record was not maintained of each inspection, performed in accordance with this paragraph (m), containing the date of the inspection, the name of the person who performed the inspection and the serial number, or other identifier, of the equipment specified in paragraph (m)(1)(i) of this section that was inspected:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards in that each certification record did not contain the year of inspection, and did not include the serial number or other identifier for each piece of equipment to be inspected. Items referenced manufacturer's instructions that were not available to the employee performing the maintenance.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/16/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.132(d)(1)(i): When the workplace hazard assessment determined that hazards necessitating the use of personal protective equipment were present or likely to be present, the employer did not select and require the use of types of personal protective equipment that will protect the employees from the identified hazards:

On or about October 29, 2011, employees were exposed to fall hazards while working on top of railcars, located on the track nearest to the elevator structure, to perform tasks such as prepping railcars for loading, closing and sealing railcar lids, and fumigating railcars without fall protection. Employees were exposed to fall hazards of up to approximately fifteen (15) feet from the railcars to the ground below.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/07/2012
Proposed Penalty:	\$ 70000.00

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: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.272(j)(2)(ii): Fugitive grain dust accumulations were not removed whenever they exceeded 1/8" at priority housekeeping areas, pursuant to the housekeeping program:

On or about October 29, 2011, employees working in the grain elevator were exposed to fire and explosion hazards. Dust was allowed to accumulate greater than 1/8 inch deep in the following locations:

- a) Boot pit - from ledge above an inspection door at the tail pulley on the southwest leg, bucket elevator leg #4.
- b) Boot pit - northeast corner, from the tail pulley casing for the northeast leg, bucket elevator leg #1. Measured approximately one-inch deep.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/07/2012
Proposed Penalty:	\$ 70000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

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

29 CFR 1910.272(j)(3): The use of compressed air to blow dust from ledges, walls, and other areas was permitted when machinery that presented an ignition source in the areas was not shut-down:

On or about October 15, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards in that compressed air was used for cleaning without first shutting down machinery that presented potential ignition sources.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/07/2012
Proposed Penalty:	\$ 70000.00

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

29 CFR 1910.272(q)(1): Inside bucket elevator(s) were jogged to free choked leg(s):

On or about October 27th, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards in that inside bucket elevator(s) were jogged to free choked leg(s), including but not limited to an instance in which approximately 20 buckets were torn off the bucket elevator leg #1 belt.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	05/07/2012
Proposed Penalty:	\$ 70000.00



Citation and Notification of Penalty

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002

Citation 2 Item 5 Type of Violation: **Willful**

29 CFR 1910.307(c)(2)(i): Equipment was not approved for the class of the location, but also not for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present:

On or about October 29, 2011, employees working in and near the grain elevator were exposed to fire and explosion hazards. Electrical equipment not designed for Class II, Division 1 Group G locations or Class II Division 2 locations was installed where Class II combustible dust was present for the following locations:

- a) Rail loadout office; equipment such as but not limited to; 120 volt AC powerstrip, Florescent light fixtures, and electrical outlets.
- b) Electrical Room; equipment such as but not limited to; transformer, breaker panel, and motor controllers.
- c) Rail Loadout control room (southeast quadrant of bin 112); equipment such as but not limited to; florescent lighting fixtures and electrical outlets.
- d) Superintendent's office; equipment such as but not limited to; desktop computer, florescent light fixtures, window mounted air conditioner and electrical outlets.
- e) Maintenance shop; equipment such as but not limited to; drill press, electric arc welder, pedestal grinder, and chop saw.
- f) Electrical Room under bin 213; equipment such as but not limited to; electrical panels.
- g) Class II Division 1 Group G electrical outlet located on the garner floor. The cover on the outlet was broken off.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated: 05/01/2012
Proposed Penalty: \$ 70000.00


Judy A. Freeman
Area Director

See pages 1 through 5 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

Suite 400

271 W. Third St. N.

Wichita, KS 67202

Phone: (316)269-6644 FAX: (316)269-6185

Kansas Toll Free 1-800-362-2896



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Bartlett Grain Company, LP
Inspection Site: 324 Riverfront Rd., Atchison, KS 66002
Issuance Date: 04/12/2012

Summary of Penalties for Inspection Number 316034032

Citation 1, Serious	= \$ 56000.00
Citation 2, Willful	= \$ 350000.00
TOTAL PROPOSED PENALTIES	= \$ 406000.00

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 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 two times.

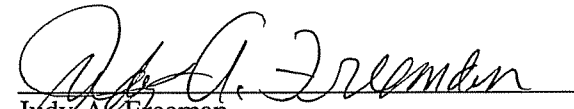
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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


Judy A. Freeman
Area Director

04.12.2012
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).