

## U.S. Department of Labor

Occupational Safety and Health Administration  
444 Regency Parkway Drive  
Suite 303  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



# Citation and Notification of Penalty

**To:**  
Bioiberica Nebraska, Inc.  
1660 R Street  
Geneva, NE 68361

**Inspection Number:** 951460  
**Inspection Date(s):** 12/10/2013 - 12/10/2013  
**Issuance Date:** 06/06/2014

**Inspection Site:**  
1660 R Street  
Geneva, NE 68361

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

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

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

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



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

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

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

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

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

**Notification of Corrective Action** – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://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 06/06/2014. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on \_\_\_\_\_ at \_\_\_\_\_ . Employees and/or representatives of employees have a right to attend an informal conference.

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 951460**

Company Name: Bioiberica Nebraska, Inc.  
Inspection Site: 1660 R Street, Geneva, NE 68361  
Issuance Date: 06/06/2014

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Email

**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:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

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

OSH ACT of 1970 Section (5)(a)(1): Section 5(A)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish to each of his employees employment and a place of employment which were free from recognized hazards that were causing or were likely to cause death or serious physical harm to employees in that employees were exposed to crushing hazards:

Jobsite – CS and Heparin Plants: Employees were exposed to crushing hazards while operating powered industrial trucks and not wearing seatbelts. The powered industrial trucks are used to move large, heavy loads such as, but not limited to, animal by-products, and chemicals. These loads are elevated to be placed on mezzanine areas or are elevated to be dumped into grinders. The movement of these loads increases the potential for crushing hazards to the employees in the event of powered industrial truck tip-over. In addition, the floor in the CS plant is sloped which could also lead to an imbalance of the load. There is not a policy in place for the use of seatbelts and the powered industrial truck has warning labels that indicate to fasten seatbelt when operating the powered industrial truck. This information, including the risk of tip-over, is also contained in the operator's manual.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

Among other methods, one feasible and acceptable method to correct this hazard is to require, monitor and enforce that the seat belt be worn when operating the power industrial truck.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/24/2014  
\$2000.00





**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

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

29 CFR 1910.132(d)(1)(i): When the employer had assessed the workplace hazard(s) and determined that hazard(s) were present, the employer did not select and/or have each affected employee use the types of personal protective equipment that would protect the affected employee from the hazard(s) identified:

a) Jobsite – CS and Heparin Plants: The employer failed to ensure that the workplace hazard assessment was properly done for employees loading/unloading tank trailers where fall hazards were present or likely to be present. The employer also failed to ensure each affected employee used harnesses.

b) Jobsite – CS Plant: The employer failed to ensure that the workplace hazard assessment was properly done for employees working atop tank trailers while adjusting the pH of waste water, where fall hazards were present or likely to be present. The employer also failed to provide and/or have each affected employee use appropriate fall protection, such as, but not limited to harnesses attached to single point tie-off retractable lanyards.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/24/2014  
\$2800.00



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

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

29 CFR 1910.134(c)(1): A written respiratory protection program with worksite specific procedures, as specified in subparagraphs (c)(1)(i) through (ix) of this section, was not established and implemented where respirators(s) were necessary to protect the health of the employee or whenever respirator(s) were required by the employer:

- a) Jobsite – CS Plant: Employees are required to wear tight-fitting elastomeric full face- vapor respirators to perform spill cleaning and if there is excessive foaming during the CS digestion process and the employer failed to develop or implement a written respiratory protection program.
- b) Jobsite – CS Plant: Employees are required to wear N99 particulate respirators to perform permit-required confined space entry activities and the employer failed to develop or implement a written respiratory protection program.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/24/2014  
\$2800.00



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

**Inspection Number:** 951460  
**Inspection Date(s):** 12/10/2013 - 12/10/2013  
**Issuance Date:** 06/06/2014



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace:

a) Jobsite – CS Plant: Employees are required to wear tight-fitting elastomeric full face- vapor respirators to perform spill cleaning and if there is excessive foaming during the CS digestion process and the employer failed to provide respiratory protection training prior to requiring the employees to wear respiratory protection in the workplace.

b) Jobsite – CS Plant: Employees are required to wear N99 particulate respirators to perform permit-required confined space entry activities and the employer failed to provide respiratory protection training prior to requiring the employees to wear respiratory protection in the workplace.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**07/24/2014**  
**\$2800.00**

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:** 951460  
**Inspection Date(s):** 12/10/2013 - 12/10/2013  
**Issuance Date:** 06/06/2014



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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

29 CFR 1910.178(l)(3)(i)(M): Training did not include operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

Jobsite - CS & Heparin Plants: Employees operating a powered industrial truck in the production areas did not receive training that included operating instructions, warnings, or precautions listed in the operator's manual.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/24/2014  
\$2000.00

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





**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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 6 a** Type of Violation: **Serious**

29 CFR 1910.178(l)(2)(iii): All operator training and evaluation was not conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.

Jobsite – CS and Heparin Plants: The employer failed to ensure that all operator training and evaluation was conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/24/2014
Proposed Penalty:	\$2000.00

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

**Inspection Number:** 951460  
**Inspection Date(s):** 12/10/2013 - 12/10/2013  
**Issuance Date:** 06/06/2014



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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

29 CFR 1910.178(l)(4)(iii): An evaluation of each powered industrial truck operator's performance was not being conducted at least once every three years:

Jobsite – CS and Heparin Plants: The employer failed to evaluate each operator within three (3) years of their last evaluation.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:** 07/24/2014

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:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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 7 a** Type of Violation: **Serious**

29 CFR 1910.1200(e)(1)(ii): The written hazard communication program did not include the methods the employer would use to inform employees of the hazards of non-routine tasks.

Jobsite – CS Plant: The employer failed to inform employees of the hazards of non-routine tasks.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/24/2014
Proposed Penalty:	\$2800.00



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

Jobsite – CS and Heparin Plants: Employees had not been provided training to recognize, evaluate and control exposure to hazardous chemicals. Hazardous chemicals used in the facility include, but are not limited to, diatomaceous earth containing up to 44% crystalline silica.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**

**07/24/2014**



**U.S. Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 951460

**Inspection Date(s):** 12/10/2013 - 12/10/2013

**Issuance Date:** 06/06/2014



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.

**Inspection Site:** 1660 R Street, Geneva, NE 68361

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a) Jobsite – CS and Heparin Plants: The employer failed to develop written energy control procedures for employees performing maintenance and repair of machines and equipment including, but not limited to Heparin and CS Plants chemical pumps (no serial numbers) and CS Plant's boilers, (no serial number).

b) Jobsite – CS Plant North Cooling Tower: The employer failed to develop written energy control procedures for employees doing maintenance inside a cooling tower.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/24/2014

Proposed Penalty:

\$28000.00

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



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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

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

29 C.F.R. 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing, or blocking of machines or equipment from energy sources:

Jobsite – CS and Heparin Plants: The employer failed to provide locks, tags or other hardware to employees performing maintenance and repair of machines and equipment including, but not limited to Heparin and CS Plants chemical pumps (no serial numbers) and CS Plants boilers, (no serial number).

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	07/24/2014
Proposed Penalty:	\$28000.00





**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

---

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

29 CFR 1910.147(d)(4)(i): Lockout or tagout devices were not affixed to each energy isolating device by authorized employees:

Jobsite – CS and Heparin Plants: The employer failed to ensure locks, tags or other hardware were affixed by employees performing maintenance and repair of machines and equipment including, but not limited to Heparin and CS Plants chemical pumps (no serial numbers) and CS Plants boilers, (no serial number).

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

07/24/2014



**Citation and Notification of Penalty**

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the knowledge and skills required for the safe application, usage and removal of energy control devices necessary for energy isolation and control:

Jobsite – CS and Heparin Plants: The employer failed to provide training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the knowledge and skills required for the safe application, usage and removal of energy control devices necessary for energy isolation and control to employees performing maintenance and repair of machines and equipment including, but not limited to Heparin and CS Plants chemical pumps (no serial numbers) and CS Plants boilers, (no serial number).

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/24/2014  
\$28000.00

A handwritten signature in black ink, appearing to read "Bonita Winingham".

**Bonita Winingham**  
Area Director



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Drive  
Suite 303  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Bioiberica Nebraska, Inc.  
**Inspection Site:** 1660 R Street, Geneva, NE 68361  
**Issuance Date:** 06/06/2014

<b>Summary of Penalties for Inspection Number</b>	<b>951460</b>
<b>Citation 1, Serious</b>	<b>\$17200.00</b>
<b>Citation 2, Willful</b>	<b>\$84000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$101200.00</b>

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

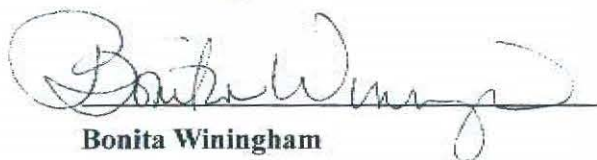
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Bonita Winingham**

Area Director

6/6/2014  
Date



U.S. Department of Labor

Occupational Safety and Health Administration  
444 Regency Parkway Drive, Suite 303  
Omaha, Nebraska 68114  
(402) 553-0171 or 1-800-642-8963 Nebr. Only



Reply to the Attention of: Bonita Winingham

June 6, 2014

Attn: Jason Rippe and Gonzalo Arza  
Bioiberica NE  
1660 R Street  
Geneva, NE 68361

Dear Mr. Rippe and Mr. Arza,

A programmed inspection (opened December 10<sup>th</sup>, 2013) at Bioiberica NE site in Geneva, NE disclosed the following hazards:


- Employees could have been exposed to respiratory and/or engulfment hazards when they enter permit-required confined spaces without proper training and/or rescue equipment.

In response to these hazards, it is not considered appropriate at this time to invoke OSHA regulations or Section 5(a)(1), the General Duty Clause of the Occupational Safety and Health Act. Moreover, no citation regarding these concerns will be issued at this time. However, in the interest of work place safety and health, I recommend that you take the following steps to voluntarily eliminate or reduce your employees' exposure to the hazards described above:

- Implement necessary measures to prevent unauthorized entry;
- Identify and evaluate permit space hazards before allowing employee entry;
- Test atmospheric conditions in the permit space before entry operations and monitor the space during entry;
- Perform appropriate testing for the following atmospheric hazards in this sequence: oxygen, combustible gases or vapors, and toxic gases or vapors;
- Establish and implement the means, procedures and practices to eliminate or control hazards necessary for safe permit space entry operations;
- Identify employee job duties;
- Provide and maintain, at no cost to the employee, personal protective equipment and any other equipment necessary for safe entry and require employees to use it;
- Ensure that at least one attendant is stationed outside the permit space for the duration of entry operations;
- Coordinate entry operations when employees of more than one employer are working in the permit space;
- Implement appropriate procedures for summoning rescue and emergency services, and preventing unauthorized personnel from attempting rescue;
- Establish, in writing, and implement a system for the preparation, issue, use and cancellation of entry permits;
- Review established entry operations annually and revise the permit space entry program as necessary; and
- Implement the procedures that any attendant who is required to monitor multiple spaces will follow during an emergency in one or more of those spaces.

I appreciate your attention to these areas of concern. If you have any questions, please feel free to call my office at the numbers listed above.

Sincerely,

  
Bonita Winingham,  
Area Director



U.S. Department of Labor

Occupational Safety and Health Administration  
444 Regency Parkway Drive, Suite 303  
Omaha, Nebraska 68114  
(402) 553-0171 or 1-800-642-8963 Nebr. Only



Reply to the Attention of: Bonita Winingham

June 6, 2014

Attn: Jason Rippe and Gonzalo Arza  
Bioiberica NE  
1660 R Street  
Geneva, NE 68361

Dear Mr. Rippe and Mr. Arza,

A programmed inspection (opened December 10<sup>th</sup>, 2013) at Bioiberica NE site in Geneva, NE disclosed the following hazards:

- Employees are exposed to potential safety and health hazards when having to work alone late at night and during early mornings in the plant when they cannot be seen or heard by another employee or supervisor; cannot expect a visit from another employee, supervisor, or member of the public for some time; and/or when assistance is not readily available when needed.

In response to these hazards, it is not considered appropriate at this time to invoke OSHA regulations or Section 5(a)(1), the General Duty Clause of the Occupational Safety and Health Act. Moreover, no citation regarding these concerns will be issued at this time. However, in the interest of work place safety and health, I recommend that you take the following steps to voluntarily eliminate or reduce your employees' exposure to the hazards described above:

- Assess the hazards of the workplace.
- Talk to workers about their work. Get their input about the work they do and possible solutions.
- Investigate incidents at the workplace, and those from similar workplaces.
- Avoid having a lone worker whenever possible, especially for jobs with a recognized risk.
- Take corrective action to prevent or minimize the potential risks of working alone.
- Provide appropriate training and education.
- Report all situations, incidents or "near misses" where working alone increased the severity of the situation. Analyze this information and make changes to company policy where necessary.
- Establish a check-in procedure. Make sure regular contact is kept with all workers.
- Establish ways to account for people (visually or verbally) while they are working.
- For most lone workers, the cellphone may be the main source of contact. If a cellular phone is unreliable in the area, be sure to have alternative methods of communication available (such as two-way radio (Walkie-talkie), site visits or satellite technology).
- Schedule high risk tasks during normal business hours, or when another worker is capable of helping if an emergency situation arises and position workers, where possible, in locations of highest visibility.
- Allow the use of a "buddy system" in high risk situations - ensure that workers are aware that this option is available to them.

I appreciate your attention to these areas of concern. If you have any questions, please feel free to call my office at the numbers listed above.

Sincerely,

Bonita Winingham,  
Area Director