

## U.S. Department of Labor

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



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## Citation and Notification of Penalty

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**To:**

Cenex Harvest States, Inc. , dba Central Montana Co-  
Op  
P.O. BOX 3509  
Lewistown, MT 59457

**Inspection Number:** 948222

**Inspection Date(s):** 11/04/2013 - 11/04/2013

**Issuance Date:** 04/21/2014

**Inspection Site:**

200 Elevator Road  
Denton, MT 59430

*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 04/21/2014. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on \_\_\_\_\_ at \_\_\_\_\_.

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 948222**

Company Name: Cenex Harvest States, Inc. , dba Central Montana Co-Op  
Inspection Site: 200 Elevator Road, Denton, MT 59430  
Issuance Date: 04/21/2014

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

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

**Inspection Number:** 948222  
**Inspection Date(s):** 11/04/2013 - 11/04/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc. , dba Central Montana Co-Op  
**Inspection Site:** 200 Elevator Road, Denton, MT 59430

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

29 CFR 1910.27(c)(4): The employer did not install fixed ladders with at least 7 inches of clearance from the centerline of the rung to the nearest permanent object in the back of the ladder:

a) Lower Headhouse: On November 4, 2013, and at times prior, employees were exposed to a fall of approximately eight feet to the wood floor below while accessing the manlift platform from a fixed ladder that was improperly constructed with approximately three and one half inches of clearance between the wall and the rungs.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$4400.00

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

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

Inspection Number: 948222  
Inspection Date(s): 11/04/2013 - 11/04/2013  
Issuance Date: 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc. , dba Central Montana Co-Op  
**Inspection Site:** 200 Elevator Road, Denton, MT 59430

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

29 CFR 1910.146(k)(3)(ii): An authorized entrant entered a vertical permit space that was more than 5 feet deep and did not have the other end of the retrieval line attached to a mechanical device or fixed point outside the permit space in such a manner that rescue could begin as soon as the rescuer becomes aware that a rescue is necessary:

a) Boot Pit: On November 4, 2013, and at times prior, employees were exposed to potential atmospheric hazards including but not limited to, combustible dust and oxygen deficiency, while cleaning and performing maintenance in a permit required confined space without effective non-entry rescue equipment being used. The employees wore a retrieval line but the line is not attached to a mechanical retrieval device to rescue the employee should an emergency occur.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$7000.00

A handwritten signature in black ink, appearing to read "Jeff R. Funke".

**Jeff R. Funke, CSP**  
Area Director

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



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Cenex Harvest States, Inc. , dba Central Montana Co-Op  
**Inspection Site:** 200 Elevator Road, Denton, MT 59430  
**Issuance Date:** 04/21/2014

|                                                   |                   |
|---------------------------------------------------|-------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>948222</b>     |
| <b>Citation 1, Serious</b>                        | <b>\$11400.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$11400.00</b> |

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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.

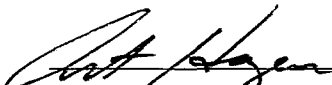
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

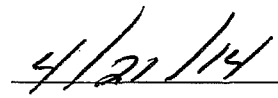
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

  
\_\_\_\_\_  
Jeff R. Funke, CSP  
Area Director

  
\_\_\_\_\_  
Date

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



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## Citation and Notification of Penalty

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**To:**  
Cenex Harvest States, Inc., dba Farmers Elevator  
P.O. Box 1391  
Glendive, MT 59330

**Inspection Number:** 946938  
**Inspection Date(s):** 11/04/2013 - 02/05/2014  
**Issuance Date:** 04/21/2014

**Inspection Site:**  
12 Highway 16  
Glendive, MT 59330

*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.*

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## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/21/2014. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 946938

Company Name: Cenex Harvest States, Inc., dba Farmers Elevator

Inspection Site: 12 Highway 16, Glendive, MT 59330

Issuance Date: 04/21/2014

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

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

**Inspection Number:** 946938  
**Inspection Date(s):** 11/04/2013 - 02/05/2014  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba Farmers Elevator  
**Inspection Site:** 12 Highway 16, Glendive, MT 59330

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

29 CFR 1910.23(d)(1): Flights of stairs having four or more risers were not equipped with a standard railing as specified in paragraphs (d)(1)(i) through (v) of this section:

(a) Chemical Shed: On or about November 4, 2013 and times prior, employees were exposed to a fall of approximately four feet to the ground below while using a stairway on the dock with six risers that is missing the mid rail.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$3300.00

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:** 946938  
**Inspection Date(s):** 11/04/2013 - 02/05/2014  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba Farmers Elevator  
**Inspection Site:** 12 Highway 16, Glendive, MT 59330

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

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

(a) Annex: On or about November 4, 2013, and times prior, employees were exposed to becoming entrapped in the event of a fire due to an Emergency Exit that had a dead bolt lock that required the employee to unlock the door knob and the dead bolt.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$5500.00

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

Inspection Number: 946938  
Inspection Date(s): 11/04/2013 - 02/05/2014  
Issuance Date: 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba Farmers Elevator  
**Inspection Site:** 12 Highway 16, Glendive, MT 59330

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

29 CFR 1910.37(a)(3): Exit routes were not free and/or unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route. The exit access must not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor. Stairs or a ramp were not provided where the exit route was not substantially level:

(a) Annex: On or about November 4, 2013, and times prior, employees were exposed to entrapment hazards in the event of a fire due to an Emergency Exit that was partially blocked by the Bottom Belt Conveyor. This Emergency Exit had the Bottom Belt Conveyor permanently placed seventeen inches directly in front of the exit discharge, this also made the exit route substantially unlevel.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$5500.00

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

**Inspection Number:** 946938  
**Inspection Date(s):** 11/04/2013 - 02/05/2014  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba Farmers Elevator  
**Inspection Site:** 12 Highway 16, Glendive, MT 59330

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

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

(a) Shaker: On or about November 4, 2013, and times prior, employees are exposed to caught in hazards while working around the exposed shaft of the shaker cleaner.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5500.00

A handwritten signature in black ink, appearing to read "Jeff R. Funke", written over a horizontal line.

**Jeff R. Funke, CSP**  
Area Director

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



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Cenex Harvest States, Inc., dba Farmers Elevator  
**Inspection Site:** 12 Highway 16, Glendive, MT 59330  
**Issuance Date:** 04/21/2014

|                                                   |                   |
|---------------------------------------------------|-------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>946938</b>     |
| <b>Citation 1, Serious</b>                        | <b>\$19800.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$19800.00</b> |

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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.

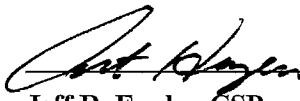
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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

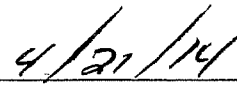
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

  
\_\_\_\_\_  
Jeff R. Funke, CSP  
Area Director

  
\_\_\_\_\_  
Date

## U.S. Department of Labor

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



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# Citation and Notification of Penalty

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**To:**

Cenex Harvest States, Inc., dba CHS, Inc.  
23 N. Central Ave.  
Cut Bank, MT 59427

**Inspection Number:** 947959**Inspection Date(s):** 11/05/2013 - 11/05/2013**Issuance Date:** 04/21/2014**Inspection Site:**

23 N. Central Ave.  
Cut Bank, MT 59427

*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>.

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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 04/21/2014. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on \_\_\_\_\_ at \_\_\_\_\_.

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 947959**

Company Name: Cenex Harvest States, Inc., dba CHS, Inc.  
Inspection Site: 23 N. Central Ave., Cut Bank, MT 59427  
Issuance Date: 04/21/2014

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

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

**Inspection Number:** 947959  
**Inspection Date(s):** 11/05/2013 - 11/05/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 23 N. Central Ave., Cut Bank, MT 59427

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

29 CFR 1910.27(c)(4): The employer did not install fixed ladders with at least 7 inches of clearance from the centerline of the rung to the nearest permanent object in the back of the ladder:

a) Lower Headhouse: On November 5, 2013, and at times prior, employees were exposed to a fall of approximately eight feet to the wood floor below while accessing the manlift platform from a fixed ladder that was improperly constructed with approximately six inches of clearance between the wall and the rungs.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$4400.00

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

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

**Inspection Number:** 947959  
**Inspection Date(s):** 11/05/2013 - 11/05/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 23 N. Central Ave., Cut Bank, MT 59427

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

29 CFR 1910.146(k)(3)(ii): An authorized entrant entered a vertical permit space that was more than 5 feet deep and did not have the other end of the retrieval line attached to a mechanical device or fixed point outside the permit space in such a manner that rescue could begin as soon as the rescuer becomes aware that a rescue is necessary:

a) Boot Pit: On November 5, 2013, and at times prior, employees were potentially exposed to atmospheric hazards including but not limited to, hydrogen sulfide, and carbon monoxide, while cleaning and performing maintenance in a permit required confined space without effective non-entry rescue equipment being used. The employees wore a retrieval line but the line is not attached to a mechanical retrieval device to rescue the employee should an emergency occur.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$7000.00

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

**Inspection Number:** 947959  
**Inspection Date(s):** 11/05/2013 - 11/05/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 23 N. Central Ave., Cut Bank, MT 59427

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

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

a) Maintenance Shop: On November 5, 2013, and at times prior, employees were exposed to cuts and lacerations while using the unguarded Chicago Power Tools drill press Model number DP-558-2N.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$4400.00

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

**Inspection Number:** 947959  
**Inspection Date(s):** 11/05/2013 - 11/05/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 23 N. Central Ave., Cut Bank, MT 59427

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

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles located within 8 feet of the floor had live parts exposed to employee contact:

a) Basement: On November 5, 2013, and at times prior, employees were exposed to shock hazards from live electrical conductors on the broken lampholder, approximately 7 feet from the floor, while working in the basement.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$4400.00

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

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

**Inspection Number:** 947959  
**Inspection Date(s):** 11/05/2013 - 11/05/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 23 N. Central Ave., Cut Bank, MT 59427

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s):

a) Elevator Legs: On November 5, 2013, and at times prior, employees were using lockout devices that had the name of another employee on it and not the name of the employee who actually applied the lockout device.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$0.00

A handwritten signature in black ink, appearing to read "Jeff R. Funke".

**Jeff R. Funke, CSP**  
Area Director

**U.S. Department of Labor**

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



**INVOICE /  
DEBT COLLECTION NOTICE**

---

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 23 N. Central Ave., Cut Bank, MT 59427  
**Issuance Date:** 04/21/2014

|                                                   |                   |
|---------------------------------------------------|-------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>947959</b>     |
| <b>Citation 1, Serious</b>                        | <b>\$20200.00</b> |
| <b>Citation 3, Other-than-Serious</b>             | <b>\$0.00</b>     |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$20200.00</b> |

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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

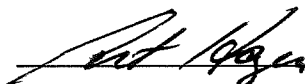
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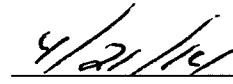
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\_\_\_\_\_  
**Jeff R. Funke, CSP**  
Area Director

  
\_\_\_\_\_  
Date

## U.S. Department of Labor

Occupational Safety and Health Administration

2900 4th Avenue North, Suite 303

Billings, MT 59101

Phone: 406-247-7494 Fax: 406-247-7499



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# Citation and Notification of Penalty

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**To:**

Cenex Harvest States, Inc., dba CHS, Inc.

23 N. Central Ave.

Cut Bank, MT 59427

**Inspection Number:** 947972

**Inspection Date(s):** 11/06/2013 - 11/06/2013

**Issuance Date:** 04/21/2014

**Inspection Site:**

924 Rail Road Ave.

Valier, MT 59486

*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.

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**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 04/21/2014. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on \_\_\_\_\_ at

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

## CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

**Inspection Number: 947972**

Company Name: Cenex Harvest States, Inc., dba CHS, Inc.  
Inspection Site: 924 Rail Road Ave., Valier, MT 59486  
Issuance Date: 04/21/2014

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

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

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

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

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.146(h)(5)(ii): The employer did not ensure that all authorized entrants exited from the permit space as quickly as possible whenever the entrants recognized any warning sign or symptom of exposure to a dangerous situation:

- a) East elevator boot pit: On October 22, 2013, and at times prior, employee(s) were exposed to potential hazardous atmospheres including but not limited to hydrogen sulfide and carbon monoxide while cleaning the boot pit. Employee(s) did not exit the confined space when their hydrogen sulfide or carbon monoxide monitor alarm was activated.
- b) West elevator boot pit: On October 22, 2013, and at times prior, employee(s) were exposed to potential hazardous atmospheres including but not limited to hydrogen sulfide and carbon monoxide while cleaning the boot pit. Employee(s) did not exit the confined space when their hydrogen sulfide or carbon monoxide monitor alarm was activated.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 05/13/2014  
Proposed Penalty: \$7000.00



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.146(i)(5): The employer did not ensure that each attendant communicated with authorized entrants as necessary to monitor entrant status and to alert entrants of the need to evacuate the space as required under 29 CFR 1910.146(i)(6)(a):

a) East elevator boot pit: On October 22, 2013, and at times prior, employee(s) were exposed to potential hazardous atmospheres including but not limited to hydrogen sulfide and carbon monoxide while cleaning the boot pit. The attendant did not have employee(s) exit the confined space when their hydrogen sulfide and carbon monoxide monitor alarm is activated.

b) West elevator boot pit: On October 22, 2013, and at times prior, employee(s) were exposed to potential hazardous atmospheres including but not limited to hydrogen sulfide and carbon monoxide while cleaning the boot pit. The attendant did not have employee(s) exit the confined space when their hydrogen sulfide and carbon monoxide monitor alarm is activated.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.146(k)(3)(ii): An authorized entrant entered a vertical permit space that was more than 5 feet deep and did not have the other end of the retrieval line attached to a mechanical device or fixed point outside the permit space in such a manner that rescue could begin as soon as the rescuer becomes aware that a rescue is necessary:

- a) East elevator boot Pit: On October 22, 2013, and at times prior, employees were exposed to potential atmospheric hazards including but not limited to, hydrogen sulfide, and carbon monoxide, while cleaning and performing maintenance in a permit required confined space without effective non-entry rescue equipment being used. The employees wore a retrieval line but the line is not attached to a mechanical retrieval device to rescue the employee should an emergency occur.
- b) West elevator boot Pit: On October 22, 2013, and at times prior, employees were exposed to potential atmospheric hazards including but not limited to, hydrogen sulfide, and carbon monoxide, while cleaning and performing maintenance in a permit required confined space without effective non-entry rescue equipment being used. The employees wore a retrieval line but the line is not attached to a mechanical retrieval device to rescue the employee should an emergency occur.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|                                         |            |
|-----------------------------------------|------------|
| Date By Which Violation Must be Abated: | 05/13/2014 |
| Proposed Penalty:                       | \$7000.00  |

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

**Inspection Number:** 947972  
**Inspection Date(s):** 11/06/2013 - 11/06/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles located within 8 feet of the floor had live parts exposed to employee contact:

a) Storage room / warehouse: On November 6, 2013, and at times prior, employees were exposed to shock hazards from energized electrical conductors from a broken light bulb approximately 7 feet from the floor, while working in the storage room / warehouse.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$6600.00

**U.S. Department of Labor**

Occupational Safety and Health Administration

**Inspection Number:** 947972

**Inspection Date(s):** 11/06/2013 - 11/06/2013

**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.

**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.146(d)(5)(i): Under the permit-required confined space program required by 29 CFR 1910.146(c)(4), the employer did not evaluate permit space conditions when entry operations were conducted by testing conditions in the permit space to determine if entry conditions were acceptable:

- a) East elevator boot pit: On October 22, 2013, and at times prior, employees were exposed to potential atmospheric hazards including but not limited to hydrogen sulfide and carbon monoxide due to inadequate testing prior to entry to determine the atmospheric conditions are safe for entry within the space.
- b) West elevator boot pit: On October 22, 2013, and at times prior, employees were exposed to potential atmospheric hazards including but not limited to hydrogen sulfide and carbon monoxide due to inadequate testing prior to entry to determine the atmospheric conditions are safe for entry within the space.

CENEX HARVEST STATES, INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.146(D)(5)(i) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 29133, CITATION NUMBER 03, ITEM NUMBER 001 AND WAS AFFIRMED AS A FINAL ORDER ON JULY 8, 2013 , WITH RESPECT TO A WORKPLACE LOCATED AT 420 CLOUGH AVE. COLUMBUS, MT 59019.

CENEX HARVEST STATES, INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.146(d)(5)(i), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314475252, CITATION NUMBER 01, ITEM NUMBER 003B AND WAS AFFIRMED AS A FINAL ORDER ON DECEMBER 21, 2010 , WITH RESPECT TO A WORKPLACE LOCATED AT 7875 OLD HIGHWAY 44 DRAYTON, ND 58426.

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

**Inspection Number:** 947972  
**Inspection Date(s):** 11/06/2013 - 11/06/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|                                         |            |
|-----------------------------------------|------------|
| Date By Which Violation Must be Abated: | 05/13/2014 |
| Proposed Penalty:                       | \$55000.00 |

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:** 947972  
**Inspection Date(s):** 11/06/2013 - 11/06/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

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

a) Lower head house annexes: On November 6, 2013, and at times prior, employees were exposed to explosions, fires and/or deflagration from class II combustible grain dust that was approximately 1/2 inch deep on the overhead beams and rails in the annexes.

CENEX HARVEST STATES, INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.272(j)(1), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 29133, CITATION NUMBER 01, ITEM NUMBER 008 AND WAS AFFIRMED AS A FINAL ORDER ON JULY 8, 2013 , WITH RESPECT TO A WORKPLACE LOCATED AT 420 CLOUGH AVE. COLUMBUS, MT 59019.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|                                         |            |
|-----------------------------------------|------------|
| Date By Which Violation Must be Abated: | 05/13/2014 |
| Proposed Penalty:                       | \$38500.00 |

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

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

**Inspection Number:** 947972  
**Inspection Date(s):** 11/06/2013 - 11/06/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.307(c): Equipment, wiring methods, and installations of equipment in hazardous (classified) locations were not intrinsically safe, approved for the hazardous (classified) location, or safe for the hazardous (classified) location:

a) Boot pit: On November 6, 2013, and at times prior, employees were exposed to fire, explosion and/or deflagration from a non-intrinsically safe sump pump and extension cord that was being used in the in the boot pit to extract water from the bottom.

CENEX HARVEST STATES, INC. WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD 29 CFR 1910.307(c), WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 29133, CITATION NUMBER 01, ITEM NUMBER 009 AND WAS AFFIRMED AS A FINAL ORDER ON JULY 8, 2013 , WITH RESPECT TO A WORKPLACE LOCATED AT 420 CLOUGH AVE. COLUMBUS, MT 59019.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|                                         |            |
|-----------------------------------------|------------|
| Date By Which Violation Must be Abated: | 05/13/2014 |
| Proposed Penalty:                       | \$38500.00 |

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

**Inspection Number:** 947972  
**Inspection Date(s):** 11/06/2013 - 11/06/2013  
**Issuance Date:** 04/21/2014



**Citation and Notification of Penalty**

**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486

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

29 CFR 1910.147(c)(5)(ii)(D): Lockout devices and tagout devices did not indicate the identity of the employee applying the device(s):

a) Elevator Legs: On November 6, 2013 and at times prior, employees were using lockout devices that had the name of another employee on it and not the name of the employee who actually applied the lockout device.

Date By Which Violation Must be Abated:  
Proposed Penalty:

05/13/2014  
\$0.00

A handwritten signature in black ink, appearing to read "Jeff R. Funke", written over a horizontal line.

**Jeff R. Funke, CSP**  
Area Director

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



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Cenex Harvest States, Inc., dba CHS, Inc.  
**Inspection Site:** 924 Rail Road Ave., Valier, MT 59486  
**Issuance Date:** 04/21/2014

|                                                   |                    |
|---------------------------------------------------|--------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>947972</b>      |
| <b>Citation 1, Serious</b>                        | <b>\$27600.00</b>  |
| <b>Citation 2, Repeat</b>                         | <b>\$132000.00</b> |
| <b>Citation 3, Other-than-Serious</b>             | <b>\$0.00</b>      |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$159600.00</b> |

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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

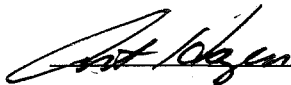
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.

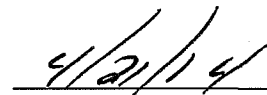
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



Jeff R. Funke, CSP

Area Director

  
Date