

U.S. Department of Labor

Occupational Safety and Health Administration
Wilson Plaza West
606 N Carancahua, Suite 700
Corpus Christi, TX 78401-0643
Phone: (361)888-3420 FAX: (361)888-3424



Reply to the Attention of: MJR:bj

Citation and Notification of Penalty

To:
Corpus Christi Grain Company
and its successors
P.O. Box 9340
Corpus Christi, TX 78469

Inspection Number: 315367599
Inspection Date(s): 04/20/2011-10/19/2011
Issuance Date: 10/19/2011

Inspection Site:
100 Talbert Lane
Corpus Christi, TX 78410

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.

Please read the following paragraphs which outline your rights and responsibilities.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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, call our office between 8:00 a.m. and 4:30 p.m. for an appointment at (361) 888-3420. Please **complete, remove and post the page 19 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 "USDOL-OSHA". Please indicate the Inspection Number on the remittance.

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

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. Attached are two fill-in-the-blank form letters for your use in meeting this requirement.

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

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

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

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.

Abatement Methods - The employer is not limited to abatement methods suggested by OSHA; i.e., methods explained are general and may not be effective in all cases. Other methods of abatement may be equally or more appropriate. Ultimate responsibility for determining the most appropriate method rest with the employer, given its superior knowledge of the specific conditions at its worksite.

PLEASE FILL IN ABATEMENT/CORRECTION METHOD INCLUDING DATE COMPLETED FOR EACH ITEM CITED AND RETURN TO THE AREA DIRECTOR. OSHA STANDARDS REQUIRE CERTIFICATION AND/OR DOCUMENTATION FOR EACH CITED ITEM. Abatement certification is the employer's statement to OSHA that a violation has been corrected. The certification also describes the date and method of abatement and states that employees and their representatives have been informed of the abatement. Abatement documentation is evidence submitted by the employer that demonstrates that abatement is complete. The evidence will usually be photographic pictures of the abatement, receipts, work orders, or other paper evidence of abatement actions taken. Abatement certification responses are due within three (3) working days after each abatement date. **ANOTHER CITATION WITH MONETARY PENALTY CAN BE ISSUED IF YOU DO NOT PROVIDE CERTIFICATION AND/OR DOCUMENTATION OF ABATEMENT.**

When the item indicates **CORRECTED DURING INSPECTION**, the compliance officer witnessed the abatement/correction during the inspection, and no certification is required.

Inspection Activity Datas - 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, but no sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at www.OSHA.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

In the Matter of: **Corpus Christi Grain Company**
 P.O. Box 9340
 Corpus Christi, TX 78469

OSHA No.(s): **315367599**

PLEASE FILL IN ABATEMENT/CORRECTION METHOD INCLUDING DATE COMPLETED FOR EACH ITEM CITED AND RETURN TO THE AREA DIRECTOR. Supporting documentation shall be included: e.g., drawings/photographs, purchase/work orders, air sampling results, or any other related information to show corrections. Abatement verification must be posted and certified as being true and correct. Responses are due **within 10 calendar days** from each abatement date and must be postmarked within the 10 calendar day period.

When the item indicates **QUICK FIX or CORRECTED DURING INSPECTION**, the compliance officer witnessed the abatement/correction during the inspection, and no response is required.

Citation 1 Item 1 Type of Violation: Serious

29 CFR 1910.22(a)(1) All places of employment, passageways, storerooms, and service rooms were not kept clean and orderly and in a sanitary condition:

On or about April 20, 2011, work areas such as the welding shop, tunnels, and general work areas were not kept clear of fugitive grain, empty cans, barrels, old equipment, and other rubbish.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 2 Type of Violation: Serious

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

On or about April 20, 2011, and at times subsequent and prior thereto, employees involved in a grain storage operation were exposed to fall hazards due to missing guardrails in areas, such as, but not limited to, the following:

- a. The truck sampling platform did not have standard guardrails installed around the entire perimeter. Employees were exposed to an approximate 9-foot fall, through openings in the north guardrail and south guardrail of the platform, to the road below.
- b. The rail car hopper platform did not have a midrail on the east side and did not have a midrail or a top rail on the west side or toe boards. Employees were exposed to an approximate 8-foot fall to the concrete below.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.24(h): Standard railing(s) were not provided on the open side(s) of all fixed industrial stairway(s) and stair platform(s) in accordance with the provisions of 1910.23(d):

On or about April 20, 2011, standard guardrails were not installed on the fixed industrial stairs used to access work platforms, such as, but not limited to, the following:

- a. Employees were exposed to falls up to approximately 9 feet when using the stairs leading to the truck sampling platform.
- b. Employees were exposed to falls up to approximately 8 feet when using the stairs leading to the hopper platform used to load and unload rail cars.

The employer did not ensure midrails were installed on these fixed industrial stairs.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.101(b): The in-plant handling, storage and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle tanks was not conducted in accordance with the Compressed Gas Association's Pamphlet P-1 (1965):

On or about April 20, 2011, at the facility work shop, a stored compressed gas cylinder was not secured to prevent it from falling over.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 5 Type of Violation: Serious

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury or impairment were encountered:

On or about April 27, 2011, at this establishment, the employer did not ensure employees wore a seatbelt when operating a Case Farmall tractor equipped with a roll bar.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 6 Type of Violation: Serious

29 CFR 1910.176(f): Derail and/or bumper blocks were not provided on spur railroad tracks where a rolling car could contact other cars being worked or enter a building, work or traffic area:

On or about July 7, 2011, employees involved in the loading and or unloading of grain from railroad cars were getting on top of the rail cars to open hatches. The employer did not ensure a means to prevent contact from another rail car was provided in the event of a mishap.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 7 Type of Violation: Serious

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

On or about April 20, 2011, employees in the maintenance shop were exposed to abrasive wheel breakage hazards in that the work rest was adjusted approximately one-half inch from the stone.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 9 Type of Violation: Serious

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.g. and/or used without effective chip guarding and personal protective equipment:

Northwest exterior area of concrete head house adjacent to Pit #4, workplace east center area: On or about April 27, 2011, and at times prior thereto, employees used compressed air at 150 psig for cleaning purposes. The employer did not ensure the air nozzle was equipped with dead end relief and did not ensure the air pressure was reduced to less than 30 psig.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 10 Type of Violation: Serious

29 CFR 1910.272(d): An emergency action plan meeting the requirements contained in 29 CFR 1910.38 was not developed and implemented:

On or about April 20, 2011, and at times prior thereto, at this grain handling facility, the employer did not ensure an emergency action plan had been developed and implemented.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 11 Type of Violation: Serious

29 CFR 1910.272(e)(1): The employer did not provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities:

On or about April 20, 2011, and at times prior thereto, at this grain handling facility, current and new employees were not trained in the safe work practices associated with grain handling. Employees were exposed to the hazards associated with, but not limited to, fires, explosions and amputations. Annual training, such as, but not limited to, the following, was not provided:

- a. Facility safety precautions relating to dust accumulation hazards and ignition sources.
- b. Control of hazardous energy (Lock-out/Tag-out) procedures for grain moving and other related equipment.
- c. Preventive maintenance procedures.
- d. Housekeeping procedures.
- e. Hot work procedures.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 12 Type of Violation: Serious

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On or about April 20, 2011, at this grain handling facility, employees were not provided with specific training for when their job assignments included bin entry tasks. Employees were not trained in the safe work practices associated with grain handling when assigned tasks which required them to enter permit required confined spaces to work in and walk on grain. Required training for topics, such as, but not limited to, the following was not conducted:

- a. Entry procedures for permit required confined spaces.
- b. Avoidance of grain engulfment hazards.
- c. Avoidance of mechanical hazards and the need to control hazardous energy (Lock-out) of all equipment which pose a hazard while working in permit required confined spaces.
- d. Safe practices when applying fumigants to stored grain in permit required confined spaces.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 13 Type of Violation: Serious

29 CFR 1910.272(f)(1): The employer did not issue a permit for all hot work performed in the grain handling facility:

The employer does not issue permits for welding work within the grain handling structure to ensure all safeguards were in place before hot work was initiated.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 14 Type of Violation: Serious

29 CFR 1910.272(g)(1)(iii): The atmosphere within a bin, silo, or tank in the grain handling facility was not tested for the presence of combustible gases, vapors, and toxic agents prior to employee entry:

The employer does not test for safe atmospheric conditions before employees entered grain storage bins, such as, but not limited to, Bin D.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 15 Type of Violation: Serious

29 CFR 1910.272(g)(6): Employees at the grain handling facility entered bins, silos, or tanks where a buildup of grain products on the side could fall and bury them:

Employees at this grain handling facility were instructed to enter and work in grain storage bins, such as, but not limited to, Bin C and Bin D when grain was piled up on the sides of the bin approximately thirty (30) feet high.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 16 Type of Violation: Serious

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

At this location, on or about April 20, 2011, and at times prior thereto, employees were involved in a grain storage operation. The employer did not develop and implement a written housekeeping program for the reduction of fugitive grain dust in the grain storage structures.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 17 Type of Violation: Serious

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

At this location, employees involved in a grain storage operation were assigned work within grain storage bins, such as, but not limited to, Bin "C" and Bin "D". The employer did not ensure slide openings in the floor of the bins were guarded with appropriate grates.

IN THE ALTERNATIVE:

CFR 1919.23(a)(8)(ii): Every floor hole in which persons can accidentally walk was not guarded by a floor hole cover of standard strength and construction.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 18 Type of Violation: Serious

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

The employer at this grain storage facility did not ensure an inspection certification record was developed and maintained to ensure timely and complete inspection, maintenance and lubrication was conducted on equipment, such as, but not limited to, conveyors, bucket elevators, augers and safety devices.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 19 Type of Violation: Serious

29 CFR 1910.307(f)(4): Building purged and pressurized systems installed to prevent the entrance of combustible dust into enclosures with energized components that were situated in hazardous (classified) locations were not in operation:

On or about April 20, 2011, and at times prior thereto, in the concrete block building between Bins E & F, the building purge and pressurization system Maxitronic MT500, designed to protect electrical equipment from fugitive grain dust, was not in operation.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 1 Item 20 Type of Violation: Serious

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

On or about April 20, 2011, and at times prior thereto, employees at this grain storage facility were using hazardous chemicals, such as, but not limited to, oxygen, acetylene, and galvanize paint. The employer did not develop and implement a Chemical Hazard Communication Program for this workplace.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2 Item 1 Type of Violation: Willful

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

Employees working on top of rail cars were not protected from falls in areas, such as, but not limited to:

- a. in the Staging Area when employees were working from the top of rail cars
- b. in the Hopper Area when employees were working from the top of rail cars

Employees were exposed to falls of approximately 13 feet from the top of the rail cars to the track below.

Among other methods, one feasible and acceptable means of abatement would be to develop and implement a method of fall protection such as, but not limited to, a personal fall arrest system.

IN THE ALTERNATIVE:

29 CFR 1910.132(a): Protective equipment, including personal protective equipment was not provided, used or maintained wherever it was necessary.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2 Item 2 Type of Violation: Willful

29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

On or about April 20, 2011, the employer did not issue an entry permit, to ensure all precautionary measures were implemented and all safety and rescue equipment was available, prior to employees entering grain storage Bin "D". An employee was engulfed in the grain and did not receive assistance timely.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2 Item 3 Type of Violation: Willful

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not disconnected, locked out and tagged, blocked off, or prevented from operating by other means or methods:

Employees were working inside grain storage bins, such as, but not limited to, the following:

- a. Bin "C", while the auger was running with the grain transportation conveyor running and floor chutes open.
- b. Bin "D" while the sweep auger and grain transportation conveyor were running and the floor chutes open.

The employer did not ensure the auger and other grain transportation equipment were de-energized and locked out when employees were inside the bin.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2 Item 4 Type of Violation: Willful

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from a level at or above the level of the stored grain or grain products, or whenever an employee walks or stands on or in stored grain of a depth which posed an engulfment hazard, the employer did not equip the employees with a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

Employees at this grain storage facility worked in grain storage bins, such as but not limited to, Bin "D", when grain was piled approximately 30 feet overhead. No protective equipment was used by these employees to prevent engulfment.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2 Item 5 Type of Violation: Willful

29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

Employees entered grain storage bins at this facility, such as, but not limited to, bin "C" and bin "D", without an observer present at all times during entry operations.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

Citation 2 Item 6 Type of Violation: Willful

29 CFR 1910.272(g)(4): The employer of the grain handling facility did not provide equipment for rescue operations, which was specifically suited for the bin, silo, or tank being entered:

Employees entered and worked in grain storage structures, such as, but not limited to, Bin "D". The employer did not ensure rescue equipment, designed for use in the storage structure, was available in the event of a mishap.

DESCRIBE CORRECTIVE ACTION TAKEN & PROVIDE DATE CORRECTED:

In the Matter of: **Corpus Christi Grain Company**
 P.O. Box 9340
 Corpus Christi, TX 78469

OSHA No.(s): **315367599**

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

Certification of Abatement Response by: _____

Title: _____

Date: _____



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/19/2011. The conference will be held at the OSHA office located at Wilson Plaza West, 606 N Carancahua, Suite 700, Corpus Christi, TX, 78401-0643 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.22(a)(1) All places of employment, passageways, storerooms, and service rooms were not kept clean and orderly and in a sanitary condition:

On or about April 20, 2011, work areas such as the welding shop, tunnels, and general work areas were not kept clear of fugitive grain, empty cans, barrels, old equipment, and other rubbish.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 1,800.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

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

On or about April 20, 2011, and at times subsequent and prior thereto, employees involved in a grain storage operation were exposed to fall hazards due to missing guardrails in areas, such as, but not limited to, the following:

- a. The truck sampling platform did not have standard guardrails installed around the entire perimeter. Employees were exposed to an approximate 9-foot fall, through openings in the north guardrail and south guardrail of the platform, to the road below.
- b. The rail car hopper platform did not have a midrail on the east side and did not have a midrail or a top rail on the west side or toe boards. Employees were exposed to an approximate 8-foot fall to the concrete below.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 2,400.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.24(h): Standard railing(s) were not provided on the open side(s) of all fixed industrial stairway(s) and stair platform(s) in accordance with the provisions of 1910.23(d):

On or about April 20, 2011, standard guardrails were not installed on the fixed industrial stairs used to access work platforms, such as, but not limited to, the following:

- a. Employees were exposed to falls up to approximately 9 feet when using the stairs leading to the truck sampling platform.
- b. Employees were exposed to falls up to approximately 8 feet when using the stairs leading to the hopper platform used to load and unload rail cars.

The employer did not ensure midrails were installed on these fixed industrial stairs.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 1,800.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.101(b): The in-plant handling, storage and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle tanks was not conducted in accordance with the Compressed Gas Association's Pamphlet P-1 (1965):

On or about April 20, 2011, at the facility work shop, a stored compressed gas cylinder was not secured to prevent it from falling over.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 1,800.00

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

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury or impairment were encountered:

On or about April 27, 2011, at this establishment, the employer did not ensure employees wore a seatbelt when operating a Case Farmall tractor equipped with a roll bar.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 2,400.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.176(f): Derail and/or bumper blocks were not provided on spur railroad tracks where a rolling car could contact other cars being worked or enter a building, work or traffic area:

On or about July 7, 2011, employees involved in the loading and or unloading of grain from railroad cars were getting on top of the rail cars to open hatches. The employer did not ensure a means to prevent contact from another rail car was provided in the event of a mishap.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 2,400.00

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

29 CFR 1910.215(a)(4): Work rest(s) on grinding machinery were not adjusted closely to the wheel with a maximum opening of one-eighth inch:

On or about April 20, 2011, employees in the maintenance shop were exposed to abrasive wheel breakage hazards in that the work rest was adjusted approximately one-half inch from the stone.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 1,800.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

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

On or about April 28, 2011, at this location, employees involved in a grain storage operation were exposed to the hazards associated with unguarded pulley in areas such as but not limited to the following:

- a. Auger motor pulley assembly - northwest corner of the head house.
- b. Auger motor pulley assembly - south of assembly in instance "a".

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 1,800.00

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

29 CFR 1910.219(e)(3)(i): Vertical or inclined belt(s) were not enclosed by guard(s) conforming to the requirements specified at 29 CFR 1910.219(m) and (o):

On or about April 28, 2011, at this location, employees involved in a grain storage operation were exposed to the hazards associated with unguarded pulley in areas, such as, but not limited to, the following:

- a. Auger motor pulley assembly - northwest corner of the head house.
- b. Auger motor pulley assembly - south of assembly in instance "a".

Date By Which Violation Must be Abated:	Corrected During Inspection
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Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.242(b): Compressed air used for cleaning purposes was not reduced to less than 30 p.s.i.g. and/or used without effective chip guarding and personal protective equipment:

Northwest exterior area of concrete head house adjacent to Pit #4, workplace east center area: On or about April 27, 2011, and at times prior thereto, employees used compressed air at 150 psig for cleaning purposes. The employer did not ensure the air nozzle was equipped with dead end relief and did not ensure the air pressure was reduced to less than 30 psig.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 2,400.00

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

29 CFR 1910.272(d): An emergency action plan meeting the requirements contained in 29 CFR 1910.38 was not developed and implemented:

On or about April 20, 2011, and at times prior thereto, at this grain handling facility, the employer did not ensure an emergency action plan had been developed and implemented.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	12/05/2011
Proposed Penalty:	\$ 4,200.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.272(e)(1): The employer did not provide training to employees at least annually and when changes in job assignments would expose them to new hazards in the grain handling facilities:

On or about April 20, 2011, and at times prior thereto, at this grain handling facility, current and new employees were not trained in the safe work practices associated with grain handling. Employees were exposed to the hazards associated with, but not limited to, fires, explosions and amputations. Annual training, such as, but not limited to, the following, was not provided:

- a. Facility safety precautions relating to dust accumulation hazards and ignition sources.
- b. Control of hazardous energy (Lock-out/Tag-out) procedures for grain moving and other related equipment.
- c. Preventive maintenance procedures.
- d. Housekeeping procedures.
- e. Hot work procedures.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	12/05/2011
Proposed Penalty:	\$ 4,200.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safely:

On or about April 20, 2011, at this grain handling facility, employees were not provided with specific training for when their job assignments included bin entry tasks. Employees were not trained in the safe work practices associated with grain handling when assigned tasks which required them to enter permit required confined spaces to work in and walk on grain. Required training for topics, such as, but not limited to, the following was not conducted:

- a. Entry procedures for permit required confined spaces.
- b. Avoidance of grain engulfment hazards.
- c. Avoidance of mechanical hazards and the need to control hazardous energy (Lock-out) of all equipment which pose a hazard while working in permit required confined spaces.
- d. Safe practices when applying fumigants to stored grain in permit required confined spaces.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 4,200.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.272(f)(1): The employer did not issue a permit for all hot work performed in the grain handling facility:

The employer does not issue permits for welding work within the grain handling structure to ensure all safeguards were in place before hot work was initiated.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 3,000.00

Citation 1 Item 14 Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(iii): The atmosphere within a bin, silo, or tank in the grain handling facility was not tested for the presence of combustible gases, vapors, and toxic agents prior to employee entry:

The employer does not test for safe atmospheric conditions before employees entered grain storage bins, such as, but not limited to, Bin D.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/11/2011
Proposed Penalty:	\$ 3,000.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

Citation 1 Item 15 Type of Violation: **Serious**

29 CFR 1910.272(g)(6): Employees at the grain handling facility entered bins, silos, or tanks where a buildup of grain products on the side could fall and bury them:

Employees at this grain handling facility were instructed to enter and work in grain storage bins, such as, but not limited to, Bin C and Bin D when grain was piled up on the sides of the bin approximately thirty (30) feet high.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 4,200.00

Citation 1 Item 16 Type of Violation: **Serious**

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

At this location, on or about April 20, 2011, and at times prior thereto, employees were involved in a grain storage operation. The employer did not develop and implement a written housekeeping program for the reduction of fugitive grain dust in the grain storage structures.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 4,200.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

Citation 1 Item 17 Type of Violation: **Serious**

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

At this location, employees involved in a grain storage operation were assigned work within grain storage bins, such as, but not limited to, Bin "C" and Bin "D". The employer did not ensure slide openings in the floor of the bins were guarded with appropriate grates.

IN THE ALTERNATIVE:

CFR 1919.23(a)(8)(ii): Every floor hole in which persons can accidentally walk was not guarded by a floor hole cover of standard strength and construction.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 1,800.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

Citation 1 Item 18 Type of Violation: **Serious**

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

The employer at this grain storage facility did not ensure an inspection certification record was developed and maintained to ensure timely and complete inspection, maintenance and lubrication was conducted on equipment, such as, but not limited to, conveyors, bucket elevators, augers and safety devices.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 3,600.00

Citation 1 Item 19 Type of Violation: **Serious**

29 CFR 1910.307(f)(4): Building purged and pressurized systems installed to prevent the entrance of combustible dust into enclosures with energized components that were situated in hazardous (classified) locations were not in operation:

On or about April 20, 2011, and at times prior thereto, in the concrete block building between Bins E & F, the building purge and pressurization system Maxitronic MT500, designed to protect electrical equipment from fugitive grain dust, was not in operation.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	12/05/2011
Proposed Penalty:	\$ 3,000.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

Citation 1 Item 20 Type of Violation: **Serious**

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

On or about April 20, 2011, and at times prior thereto, employees at this grain storage facility were using hazardous chemicals, such as, but not limited to, oxygen, acetylene, and galvanize paint. The employer did not develop and implement a Chemical Hazard Communication Program for this workplace.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 2,400.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

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

Employees working on top of rail cars were not protected from falls in areas, such as, but not limited to:

- a. in the Staging Area when employees were working from the top of rail cars
- b. in the Hopper Area when employees were working from the top of rail cars

Employees were exposed to falls of approximately 13 feet from the top of the rail cars to the track below.

Among other methods, one feasible and acceptable means of abatement would be to develop and implement a method of fall protection such as, but not limited to, a personal fall arrest system.

IN THE ALTERNATIVE:

29 CFR 1910.132(a): Protective equipment, including personal protective equipment was not provided, used or maintained wherever it was necessary.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 27,500.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

On or about April 20, 2011, the employer did not issue an entry permit, to ensure all precautionary measures were implemented and all safety and rescue equipment was available, prior to employees entering grain storage Bin "D". An employee was engulfed in the grain and did not receive assistance timely.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 35,000.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not disconnected, locked out and tagged, blocked off, or prevented from operating by other means or methods:

Employees were working inside grain storage bins, such as, but not limited to, the following:

- a. Bin "C", while the auger was running with the grain transportation conveyor running and floor chutes open.
- b. Bin "D" while the sweep auger and grain transportation conveyor were running and the floor chutes open.

The employer did not ensure the auger and other grain transportation equipment were de-energized and locked out when employees were inside the bin.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 35,000.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

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

29 CFR 1910.272(g)(2): When entering the grain handling facility bins, silos, or tanks from a level at or above the level of the stored grain or grain products, or whenever an employee walks or stands on or in stored grain of a depth which posed and engulfment hazard, the employer did not equip the employees with a body harness with lifeline, or use a boatswain's chair that met the requirements of Subpart D, 29 CFR 1910.28(j):

Employees at this grain storage facility worked in grain storage bins, such as but not limited to, Bin "D", when grain was piled approximately 30 feet overhead. No protective equipment was used by these employees to prevent engulfment.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 35,000.00

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

29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

Employees entered grain storage bins at this facility, such as, but not limited to, bin "C" and bin "D", without an observer present at all times during entry operations.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 35,000.00



Citation and Notification of Penalty

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410

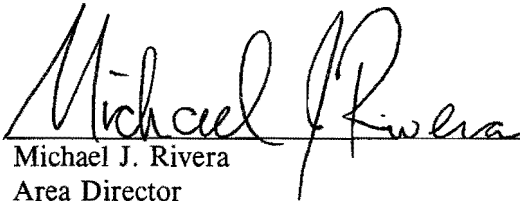
Citation 2 Item 6 Type of Violation: **Willful**

29 CFR 1910.272(g)(4): The employer of the grain handling facility did not provide equipment for rescue operations, which was specifically suited for the bin, silo, or tank being entered:

Employees entered and worked in grain storage structures, such as, but not limited to, Bin "D". The employer did not ensure rescue equipment, designed for use in the storage structure, was available in the event of a mishap.

CERTIFICATION AND DOCUMENTATION OF ABATEMENT REQUIRED

Date By Which Violation Must be Abated:	11/14/2011
Proposed Penalty:	\$ 35,000.00



Michael J. Rivera
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration
Wilson Plaza West
606 N Carancahua, Suite 700
Corpus Christi, TX 78401-0643
Phone: (361)888-3420 FAX: (361)888-3424



Reply to the Attention of: MJR:bj

INVOICE/ DEBT COLLECTION NOTICE

Company Name: Corpus Christi Grain Company
Inspection Site: 100 Talbert Lane, Corpus Christi, TX 78410
Issuance Date: 10/19/2011

Summary of Penalties for Inspection Number 315367599

Citation 1, Serious	= \$ 56,400.00
Citation 2, Willful	= \$ 202,500.00
TOTAL PROPOSED PENALTIES	= \$ 258,900.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

"DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

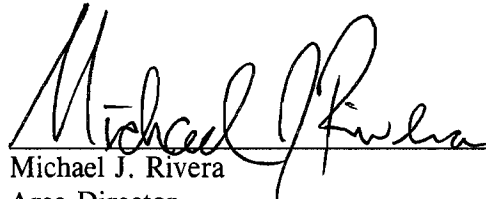
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within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



Michael J. Rivera
Area Director

October 19, 2011
Date