

U.S. Department of Labor Occupational Safety and Health Administration
8713 Airport Freeway,
Suite 302
Fort Worth, TX 76180
Phone: 817-428-2470 Fax: 817-581-7723



10/09/2013

Adair Grain, Inc., dba West Fertilizer Co.
510 Adair Drive
West, TX 76691

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 1990, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dated together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 8 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 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 the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,



Jack A. Rector
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180
Phone: 817-428-2470 Fax: 817-581-7723



Citation and Notification of Penalty

To:

Adair Grain, Inc., dba West Fertilizer Co.
and its successors
510 Adair Drive
West, TX 76691

Inspection Number: 901718**Inspection Date(s):** 04/18/2013 - 08/06/2013**Issuance Date:** 10/09/2013**Inspection Site:**

1471 Jerry Mashek Drive
West, TX 76691

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.

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 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. 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 10/09/2013. The conference will be held by telephone or at the OSHA office located at 8713

Airport Freeway, Suite 302, Fort Worth, TX 76180 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 901718

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691
Issuance Date: 10/09/2013

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, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180**

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: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazards of chemical burns and inhalation of anhydrous ammonia.

On or about April 17, 2013 and at times prior thereto, at the south end of the fertilizer plant employees working with or in proximity to two large 12,000 gallon liquid anhydrous ammonia storage/service tanks were exposed to the hazards of contact with liquid ammonia and inhalation of ammonia vapor from leaking or failed ammonia systems.

Among other methods, one feasible and acceptable abatement method to correct these hazards is to inspect and/or replace pressure relief valves in accordance with manufacturers specifications and per American National Standard Institute K61.1/Compressed Gas Association G-2.1-1999 Section 5.8.12 - 5.8.16, and inspect pressure vessels in accordance with the National Board of Inspection Code 23 Part II Section 4.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$7000.00

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

Inspection Number: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(2)(iii)(b): Storage buildings did not have adequate ventilation or were not constructed to be self-ventilating in the event of fire.

On or about April 17, 2013, and times prior thereto, the employer did not provide suitable ventilation or self-ventilation in the fertilizer plant where ammonium nitrate was stored and handled in case of a fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(2)(iii)(c): Walls on exposed sides of storage buildings within 50 feet of combustible buildings, forests, piles of combustible materials and similar exposure hazards were not of fire-resistive construction:

On or about April 17, 2013 and at times prior thereto, the employer did not ensure that the east wall of the fertilizer building and seed room were fire resistant rated and was not located within 50 feet of the office/maintenance shop building.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(2)(iii)(d): Flooring in storage and handling areas was not without open drains, traps, tunnels, pits, or pockets into which molten ammonium nitrate could flow and be confined in the event of fire:

On or about April 17, 2013 and at times prior thereto, the employer did not ensure that the flooring on the west side of the large ammonium nitrate bin did not contain a pit for the bucket conveyor leg into which molten ammonium nitrate could flow.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(4)(i)(b): Bulk storage structures exceeded a height of 40 feet where storage facilities were not constructed of noncombustible materials or adequate facilities for fighting a roof fire were not available:

On or about April 17, 2013, and times prior thereto, the employer did not ensure that the ammonium nitrate storage structure that exceeded 40 feet was made of noncombustible material or that facilities for fighting a roof fire were made available.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(4)(ii)(b): Wooden bins were not protected against impregnation by ammonium nitrate:

On or about April 17, 2013, and times prior thereto, the employer did not ensure the wooden bins used for storing ammonia nitrate were treated to prevent impregnation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.

Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(4)(iii)(b): Height or depth of piles was not limited by the pressure-setting tendency of the product:

On or about April 17, 2013 and at times prior thereto, the employer did not ensure the height or depth of ammonium nitrate piles in bins was determined by the pressure setting tendencies of the ammonium nitrate.

Date By Which Violation Must be Abated:

11/07/2013

Proposed Penalty:

\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(5)(i)(a): Ammonium nitrate was not in a separate building or was not separated by approved type firewalls of not less than 1 hour fire-resistance rating from storage of flammable and combustible materials or other contaminating materials:

On or about April 17, 2013 and times prior thereto, the employer did not ensure that flammable and combustible materials such as but not limited to seed, paper seed bags, wood pallets, and baling twine, were not stored in the same building with ammonium nitrate. The bin wall separating the ammonium nitrate from the seed room was not fire rated.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.109(i)(7)(ii)(b): Water supplies and fire hydrants were not available in accordance with recognized good practice:

On or about April 17, 2013, and times prior thereto, the employer did not ensure that suitable water supplies and fire hydrants were available in accordance with recognized good practice at the fertilizer plant where ammonium nitrate was stored in the event of a fire.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$7000.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.111(b)(3)(i): System nameplates, when required, were not permanently attached to the system so as to be readily accessible for inspection and did not include markings as prescribed in subdivision (ii) of this subparagraph:

On or about April 17, 2013, and at times prior thereto, the employer did not ensure that the south main anhydrous ammonia storage/service tank had a system nameplate.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$3500.00

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



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.111(b)(3)(ii)(a): Each container or system covered in paragraphs (c), (f), (g), and (h) of this section were not marked with a notation "Anhydrous Ammonia".

On or about April 17, 2013 and at times prior thereto, the employer did not ensure that the main anhydrous ammonia storage/service tanks were labeled, with the visible words "Anhydrous Ammonia".

- a) On the north stationary main storage/service tank
- b) On the south stationary main storage/service tank

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$2100.00

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

Inspection Number: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.111(b)(8)(ii): Hose assemblies, when made up, were not capable of withstanding a test pressure of 500 p.s.i.g.

On or about April 17, 2013 and at times prior thereto, the employer did not ensure that when new Parker 7261 anhydrous ammonia system hoses were installed or replaced that they were tested to withstand a test pressure of at least 500 p.s.i.g.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$4900.00

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



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.111(b)(9)(iii): Safety relief devices used in systems covered by paragraphs (c), (f), (g), and (h) of this section were not constructed to discharge at not less than the rates required in paragraph (b)(9)(i) of this section before the pressure is in excess of 120 percent (not including the 10 percent tolerance referred to in paragraph (b)(9)(ii) of this section) of the maximum permitted start-to-discharge pressure setting of the device.

On or about April 17, 2013 and at times prior thereto, the employer did not ensure the safety relief devices for the main storage/service tanks were rated at not less than the tanks minimum rate of discharge in cubic feet per minute.

- a) On the north main stationary storage/service tank
- b) On the south main stationary storage/service tank

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$3500.00



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.111(c)(2)(i): Each filling connection was not provided with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

On or about April 17, 2013 and at times prior thereto, the employer did not ensure that anhydrous ammonia compressors and liquid and vapor filling/service lines had back pressure check valves and/or excess flow valves installed.

- a) At the north tank filling/servicing pump house
- b) At the north tank rail side filling/servicing lines
- c) At the south tank filling/servicing bonnet
- d) At the south filling/servicing island

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$4900.00

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

Inspection Number: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.111(c)(7): Precautions were not taken against damage to ammonia systems from vehicles.

On or about April 17, 2013 and at times prior thereto, on the rail side of the main anhydrous ammonia storage/service tanks, the employer did not ensure that the main piping and valves were protected from being struck-by vehicles and other equipment loading, unloading and working in the area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$3500.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.120(q)(2): The employer did not develop an emergency response plan for emergencies which addressed the following minimum requirements of this standard: 1910.120(q)(2)(i) through 1910.120(q)(2)(xii):

On or about April 17, 2013 and at times prior thereto, the employer received, stored and handled hazardous chemicals such as anhydrous ammonia and did not implement an emergency response plan or procedures to handle anticipated emergencies.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$3500.00

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



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

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

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

On or about April 17, 2013, and times prior thereto, the employer did not implement a written respiratory protection program for employees required to wear half-face and full-face respirators during exposure to inhalation hazards, while servicing anhydrous ammonia storage/service tanks, nurse tanks and performing other tasks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator before the employee was fit tested or required to use the respirator in the workplace:

On or about April 17, 2013, and times prior thereto, the employer did not provide a medical evaluation for employees required to wear half-face and full-face respirators during an unexpected leak/exposure when servicing Anhydrous Ammonia service/storage tanks, nurse tanks and maintenance on the anhydrous ammonia systems.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/07/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.

Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

Citation 1 Item 17 c

Type of Violation: **Serious**

29 CFR 1910.134(f)(2): Employee(s) using tight-fitting face-piece respirators were not fit tested prior to initial use of the respirator:

On or about April 17, 2013, and times prior thereto, the employer did not provide fit tests for employees required to wear half-face and full-face respirators during an unexpected leak/release when servicing Anhydrous Ammonia service/storage tanks, nurse tanks and maintenance on Anhydrous Ammonia systems.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

11/01/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

On or about April 17, 2013, and at times prior thereto, the employer did not evaluate or determine if any spaces were permit required spaces prior to allowing employees to enter for cleaning.

- a) Grain silos
- b) 32-0-0 liquid fertilizer tanks

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$3500.00



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.147(c)(1): The employer did not establish a program consisting of an energy control procedure, employee training and periodic inspections to ensure that before any employee performed any servicing or maintenance on a machine or equipment where the unexpected energizing, startup or release of stored energy could occur and cause injury, the machine or equipment would be isolated from the energy source and rendered inoperative:

On or about April 17, 2013 and at times prior thereto, the employer did not develop or implement an energy control program or procedures for equipment such as but not limited to, grain augers, sweepers and conveyers, rail car wenchers, and dry fertilizer bucket and belt conveyors where the employees performed routine and periodic servicing and maintenance.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$4900.00

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

Inspection Number: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

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

29 CFR 1910.157(d)(1): Portable fire extinguishers were not selected based on the classes of anticipated workplace fires and on the size and degree of hazard which would affect their use:

On or about April 17, 2013, and at times prior thereto, the employer did not select and provide the type of fire extinguishers for materials such as but not limited to oxidizers stored in the fertilizer plant.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$2100.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

Citation 1 Item 21 Type of Violation: **Serious**

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

On or about April 17, 2013 and at times prior thereto, the employer did not certify that each operator was provided training consisting of a combination of formal instruction, practical training and an evaluation of their performance prior to operating fork lift trucks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	11/07/2013
Proposed Penalty:	\$3500.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

Citation 1 Item 22 Type of Violation: **Serious**

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

On or about April 17, 2013 and at times prior thereto, the employer did not ensure that forklift trucks were inspected prior to use by employees.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$3500.00

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: 901718
Inspection Date(s): 04/18/2013 - 08/06/2013
Issuance Date: 10/09/2013



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

Citation 1 Item 23 Type of Violation: **Serious**

29 CFR 1910.303(b)(1): Electrical equipment was not free from recognized hazards that were likely to cause death or serious physical harm to employees, in that the employer did not ensure the safety of the equipment pursuant to the considerations in sections (i) through (viii) of 29 CR 1910.303(b)(1):

On or about April 17, 2013 and at times prior thereto, the employer installed spliced two-wire unprotected light bulb sockets hanging freely above each dry fertilizer bin.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$4900.00

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



Citation and Notification of Penalty

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691

Citation 1 Item 24 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 17, 2013, and at time prior to, the employer did not develop or implement a hazard communication program for employees working with chemicals, such as but not limited to, anhydrous ammonia and ammonium nitrate. The employer did not inform the employees of the potential hazards of these chemicals which include, chemical burns, respiratory illness, fire and explosion.

Date By Which Violation Must be Abated:
Proposed Penalty:

11/07/2013
\$3500.00


Jack A. Rector
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180
Phone: 817-428-2470 Fax: 817-581-7723



INVOICE / DEBT COLLECTION NOTICE

Company Name: Adair Grain, Inc., dba West Fertilizer Co.
Inspection Site: 1471 Jerry Mashek Drive, West, TX 76691
Issuance Date: 10/09/2013

Summary of Penalties for Inspection Number	901718
Citation 1, Serious	\$118300.00
TOTAL PROPOSED PENALTIES	\$118300.00

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 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 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.



Jack A. Rector
Area Director

10/9/2013
Date

U.S. Department of Labor
Occupational Safety and Health Administration
Fort Worth Area Office
8713 Airport Freeway, Suite 302
Fort Worth, Texas 76180
<http://www.osha.gov>

Adair Grain, Inc. dba West Fertilizer Co.
510 Adair Drive
West, TX 76691

Dear Employer:

Under a law passed by Congress in 1996, the Small Business Administration (SBA) has established the SBA Ombudsman and SBA Regional Fairness Boards to investigate small business complaints pertaining to federal agency enforcement actions.

If you are a small business and believe you have been treated unfairly by the Occupational Safety and Health Administration (OSHA), you may file a written, signed complaint with the SBA Ombudsman at:

Small Business Administration
Office of the National Ombudsman
409 Third Street SW
Washington, DC 20024
Phone: (202) 205-2417
Fax: (202) 481-5719

You can also access and download the Complaint/Comment form by visiting their website at:

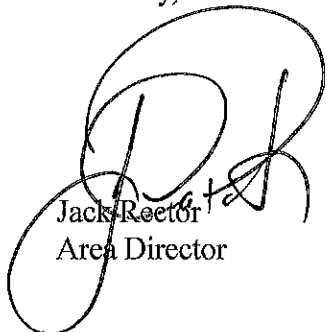
<http://www.sba.gov/aboutsba/sbaprograms/ombudsman/index.html>

Or, call Toll Free: 1-888-REGFAIR

NOTE: Filing a complaint with the SBA Ombudsman does not affect any obligation you may have to comply with an OSHA citation or other enforcement action. Nor does it mean you need not to take other available legal steps to protect your interest.

Your support in worker occupational health and safety is appreciated.

Sincerely,



Jack Reector
Area Director