

U.S. Department of Labor
Occupational Safety and Health Administration
1402 Pankratz Street, Suite 114
Madison, WI 53704



Citation and Notification of Penalty

To:
Didion Milling, Inc.
and its successors
P.O. Box 495
Cambria, WI 53923

Inspection Number: 1505481
Inspection Date(s): 12/08/2020-06/02/2021
Issuance Date: 06/03/2021

Inspection Site:
501 S. Williams Street
Cambria, WI 53923

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 by calling (608) 733-2822. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

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

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

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

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

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



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/03/2021. The conference will be held by telephone or at the OSHA office located at 1402 Pankratz Street, Suite 114, Madison, WI 53704 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1505481

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923
Issuance Date: 06/03/2021

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, 1402 Pankratz Street, Suite 114, Madison, WI 53704.**

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

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

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

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

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

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

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

Signature

Date

Typed or Printed Name

Title

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

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

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

Inspection Number: 1505481
Inspection Date(s): 12/08/2020 - 06/02/2021
Issuance Date: 06/03/2021



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.137(c)(2)(viii): Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be in accordance with Table I-4 and Table I-5 of 29 CFR 1910.137:

(a) On or about May 3, 2021, rubber insulating gloves used as electrical protective equipment when performing voltage testing up to 480 volt electrical circuitry had not been subjected to periodic electrical tests within the past six months in accordance with Table I-5.

Pursuant to 29 CFR 1903.19, abatement certification is required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$10,728.00

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: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.147(c)(4)(ii)(B): The energy control procedures shall clearly and specifically outline the specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy:

(a) On or about March 1, 2021, the energy control procedures for bucket elevator legs did not specifically outline the steps for isolating, blocking, and securing the leg belt from movement due to gravity during the clearing of plugged elevator legs.

Pursuant to 29 CFR 1903.19, abatement certification is required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement.

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$10,728.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.147(c)(6)(i): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed:

(a) On or about December 8, 2020, the employer had not conducted a periodic inspection of the energy control procedures at least annually for bucket elevator legs to ensure the procedures and the requirements of this standard were being followed.

(b) On or about December 8, 2020, the employer had not conducted a periodic inspection of the energy control procedures at least annually for the GSI grain dryer to ensure the procedures and the requirements of this standard were being followed.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(e)(2): Employees assigned special tasks, such as bin entry and handling of flammable or toxic substances, shall be provided training to perform these tasks safely:

(a) On or about December 4, 2020, the employer had not provided employees tasked with entering Silo 19 for cleaning and inspection activities with training on specific methods and procedures to safely perform silo cleaning tasks associated with out-of-condition or high foreign material grain conditions causing recognized engulfment hazards such as, but not limited to, grain shelving, grain columns, bridged or crusted grain, highly sloped grain, and deep grain.

(b) On or about December 8, 2020, the employer had not provided employees tasked with entering Silo 19 for cleaning and inspection activities with training on specific methods and procedures to safely perform silo cleaning tasks associated with out-of-condition or high foreign material grain conditions causing recognized engulfment hazards such as, but not limited to, grain shelving, grain columns, bridged or crusted grain, highly sloped grain, and deep grain.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(1)(i): The employer shall issue a permit for entering bins, silos, or tanks unless the employer or the employer's representative (who would otherwise authorize the permit) is present during the entire operation. The permit shall certify that the precautions contained in 29 CFR 1910.272(g) have been implemented prior to employees entering bins, silos, or tanks:

- (a) On or about December 4, 2020, the employer or the employer's representative did not issue the permit prior to employees entering Silo 19 for cleaning and inspection activities.
- (b) On or about December 4, 2020, the permit did not certify that the precautions contained in 29 CFR 1910.272(g) were implemented prior to employees entering Silo 19 for cleaning and inspection activities.
- (c) On or about December 8, 2020, the permit did not certify that the precautions contained in 29 CFR 1910.272(g) were implemented prior to employees entering Silo 19 for cleaning and inspection activities around 6:00 am.
- (d) On or about December 8, 2020, the employer or the employer's representative did not issue the permit prior to employees entering Silo 19 for cleaning activities around 7:00 am.
- (e) On or about December 8, 2020, the permit did not certify that the precautions contained in 29 CFR 1910.272(g) were implemented prior to employees entering Silo 19 for cleaning and inspection activities around 7:00 am.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00

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: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(1)(ii): All mechanical, electrical, hydraulic, and pneumatic equipment which presents a danger to employees inside grain storage structures shall be deenergized and shall be disconnected, locked-out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods:

(a) On or about December 4, 2020, the bottom discharge auger for Silo 19 was running while one of the entrants, having entered for cleaning and inspection activities, stood in a location in the silo capable of resulting in engulfment in the event of grain movement.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(1)(iv): "Walking down grain" and similar practices where an employee walks on grain to make it flow within or out from a grain storage structure, or where an employees is on moving grain, are prohibited:

(a) On or about December 4, 2020, one of the entrants inside Silo 19 was attempting to promote grain flow out of the bottom of the silo with the bottom discharge auger running and was standing in a location in the silo capable of resulting in engulfment in the event of grain movement.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(2): Whenever an employee enters a grain storage structure 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 poses an engulfment hazard, the employer shall equip the employee with a body harness with lifeline, or a boatswain's chair that meets the requirements of subpart D of 29 CFR 1910. The lifeline shall be so positioned, and of sufficient length, to prevent the employee from sinking further than waist-deep in the grain:

(a) On or about December 4, 2020, one of the entrants inside Silo 19 was attempting to promote grain flow out of the bottom of the silo with the bottom discharge auger running and was standing in a location in the silo capable of resulting in engulfment in the event of grain movement. The harness and manually held horizontal lifeline system being utilized was not capable of preventing the entrant from sinking further than waist-deep in the grain.

(b) On or about December 8, 2020, the RCPF Manager was inside Silo 19 attempting to promote grain flow out of the bottom the silo with the bottom discharge auger running and was standing in a location capable of resulting in engulfment in the event of grain movement. A harness and lifeline system or boatswain's chair was not utilized to prevent the entrant from sinking further than waist-deep in the grain.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00

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: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(4): The employer shall provide equipment for rescue operations which is specifically suited for the bin, silo, or tank being entered:

- (a) On or about December 4, 2020, a non-entry rescue device, previously purchased by the employer and intended for non-entry rescue during entries into sloped bottom grain silos, was not put into service for an entry into Silo 19.
- (b) On or about December 8, 2020, a non-entry rescue device, previously purchased by the employer and intended for non-entry rescue during entries into sloped bottom grain silos, was not put into service for entries into Silo 19.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated: **June 25, 2021**
Proposed Penalty: **\$13,653.00**

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: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(6): Employees shall not enter bins, silos, or tanks underneath a bridging condition, or where buildup of grain products on the sides could fall and bury them:

(a) On or about December 4, 2020, one of the entrants, having entered for cleaning and inspection activities, stood in a location in the silo capable of resulting in engulfment from the buildup of grain products on the sides of the silo.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$13,653.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(1)(ii): All mechanical, electrical, hydraulic, and pneumatic equipment which presents a danger to employees inside grain storage structures shall be deenergized and shall be disconnected, locked-out and tagged, blocked-off, or otherwise prevented from operating by other equally effective means or methods:

The employer does not ensure that mechanical equipment, such as the bottom discharge augers' of bins and silos with sloped bottoms, are deenergized and prevented from operating during employee entry when such operations pose a hazard from potential grain movement.

(a) On or about December 8, 2020, the bottom discharge auger for Silo 19 was running while RCPF employees were inside the silo and standing in a location capable of resulting in engulfment in the event of grain movement.

To abate this violation, the employer must ensure that bottom discharge augers of bins and silos are deenergized and prevented from operating during employee entry into bins and silos when movement of the grain may pose a hazard to entrants.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:	June 25, 2021
Proposed Penalty:	\$136,532.00

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: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(1)(iv): "Walking down grain" and similar practices where an employee walks on grain to make it flow within or out from a grain storage structure, or where an employees is on moving grain, are prohibited:

The employer does not prohibit employees from "walking down grain"/ similar practices and being on moving grain, or potentially moving grain, when attempting to clear the bottom discharge of bins and silos.

(a) On or about December 8, 2020, RCPF employees were inside Silo 19 attempting to promote grain flow out of the bottom of the silo with the bottom discharge auger running and were standing in a location capable of resulting in engulfment in the event of grain movement.

To abate this violation, the employer must prohibit its employees from "walking down grain", standing on grain while using hand held tools to unplug the bottom discharge of bins and silos, and/or being on moving grain (or potentially moving grain) where conditions are such that grain engulfment is possible.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$136,532.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(3): An observer, equipped to provide assistance, shall be stationed outside the bin, silo, or tank being entered by an employee. Communications (visual, voice, or signal line) shall be maintained between the observer and employee entering the bin, silo or tank:

The employer does not ensure that an observer is stationed outside bins and silos during entries.

(a) On or about December 8, 2020, an observer was not stationed outside of Silo 19 when the RCPF Manager and a RCPF Operator both entered the space around 6:00 am.

(b) On or about December 8, 2020, the RCPF Manager engaged in entry activities within Silo 19 around 6:00 am without an observer present.

To abate this violation, the employer must ensure that a trained and equipped observer is stationed outside all bins and silos during silo entries and that the observer maintains communications with the entrant at all times.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:
Proposed Penalty:

June 25, 2021
\$136,532.00



Citation and Notification of Penalty

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923

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

29 CFR 1910.272(g)(6): Employees shall not enter bins, silos, or tanks underneath a bridging condition, or where buildup of grain products on the sides could fall and bury them:

The employer does not ensure that employees do not enter bins and silos where buildup of grain products on the sides presents an engulfment hazard.

(a) On or about December 8, 2020, RCPF employees were inside Silo 19 attempting to promote grain flow out of the bottom the silo and were standing in a location capable of resulting in engulfment from the buildup of grain on the sides of the silo.

To abate this violation, the employer must ensure that employees do not enter bins and silos under conditions where the buildup of grain products on the sides could fall and bury employees.

Pursuant to 29 CFR 1903.19, abatement certification and documentation are required for this item. The employer's certification that abatement is complete must include [in addition to the requirements in 1903.19(h)], the date and method of abatement and a statement that affected employees have been informed of the abatement. The employer must also submit documents demonstrating that abatement is complete to include, but not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED PER 29 CFR 1903.19(d)

Date By Which Violation Must be Abated:

June 25, 2021

Proposed Penalty:

\$136,532.00

A handwritten signature in blue ink that reads "Chad E. Greenwood".

Chad E. Greenwood
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1402 Pankratz Street, Suite 114
Madison, WI 53704



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Didion Milling, Inc.
Inspection Site: 501 S. Williams Street, Cambria, WI 53923
Issuance Date: 06/03/2021

Summary of Penalties for Inspection Number: 1505481

Citation 1 Item 1, Serious	\$10,728.00
Citation 1 Item 2, Serious	\$10,728.00
Citation 1 Item 3, Serious	\$13,653.00
Citation 1 Item 4, Serious	\$13,653.00
Citation 1 Item 5, Serious	\$13,653.00
Citation 1 Item 6, Serious	\$13,653.00
Citation 1 Item 7, Serious	\$13,653.00
Citation 1 Item 8, Serious	\$13,653.00
Citation 1 Item 9, Serious	\$13,653.00
Citation 1 Item 10, Serious	\$13,653.00
Citation 2 Item 1, Willful - Serious	\$136,532.00
Citation 2 Item 2, Willful - Serious	\$136,532.00
Citation 2 Item 3, Willful - Serious	\$136,532.00
Citation 2 Item 4, Willful - Serious	\$136,532.00

TOTAL PROPOSED PENALTIES: \$676,808.00

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. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

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

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is 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.



Chad E. Greenwood
Area Director

6/3/21

Date