

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



Citation and Notification of Penalty

To:
Strauss Feeds, L.L.C.
and its successors
W7507 Provimi Road
Watertown, WI 53098

Inspection Number: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024

Inspection Site:
W7507 Provimi Road
Watertown, WI 53098

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](http://www.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 08/22/2024. 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: 1731103

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098
Issuance Date: 08/22/2024

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.



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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 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 combustible dried milk powder dust deflagration hazards when moving accumulated (layered) fugitive dust emissions from surfaces (i.e., structural members, equipment, floors, walls, etc.) in a manner which allowed for the formation of dense dust clouds via the use of high pressure compressed air and which did not control for potential ignition sources:

(a) On or about March 1, 2024, in areas such as the Basement Area and Main Production Area, employees were allowed to utilize compressed air to perform blowdown methods of cleaning to remove accumulated combustible dried milk powder dust from surfaces, including but not limited to, horizontal surfaces including the floor, equipment, ducts, pipes, conduit, building structural members, and other associated equipment in a manner which allowed for the generation of dried milk powder dust clouds and which did not fully control for potential ignition sources from machinery and other electrical equipment. These conditions exposed employees in the building to the hazard of combustible dust deflagration (flash fire) capable of causing injury in the form of thermal burns.

In accordance with 29 CFR 1903.19(c) & (d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5), and in addition, documentation demonstrating that abatement is complete, must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

Among other methods, feasible means of abatement may include following National Fire Protection Association (NFPA) Standard 652 "Standard on Fundamentals of Combustible Dust, 2019 ed." - Sections 8.4.2.1 (Written Housekeeping Procedures), 8.4.2.2 (Vacuum Cleaning Methods), 8.4.2.3 (Sweeping, Shoveling, Scoop, and Brush Cleaning Methods), and 8.4.2.6 (Compressed Air Blowdown Method), 9.6.1 (Dust Control - Ventilation), 9.6.3 (Dust Control Fans for Continuous Dust Control). In addition, similar requirements can be found in NFPA Standard 1 "Fire Code, 2012 ed." - Section 40.3.2.2 (Housekeeping, Dust Clouds). Please note that the 2012 edition of NFPA 1 is adopted under the Wisconsin State Fire Code - Wisconsin Legislature - Chapter SPS 314: Fire Prevention.

Specifically:

(1) Develop documented, written housekeeping procedures outlining the safe methods to be used for cleaning surfaces selected on a basis of reducing the potential for creating a combustible dust cloud, the frequency of

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

cleaning, acceptable maximum dust layer levels, employer and employee responsibilities, the sequence of cleaning, etc.

(2) Reduce the amount of fugitive dust emission releases from equipment through the design, development, installation, and maintenance of local exhaust ventilation and dust collection system. Ventilation and dust collection systems should be designed in accordance with NFPA 91 "Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Particulate Solids" and various sections of NFPA 652 addressing the need for means of dust collector explosion protection, fire protection, and deflagration propagation protection (isolation).

(3) Reduce the potential for fugitive dust emissions to settle on horizontal elevated surfaced from the introduction of engineering technologies such as the installation angle of repose caps on exposed metal beams and/or oscillating fan system designed to keep fugitive dusts from settling and accumulate on elevated surfaces.

(4) Portable vacuum cleaners, where used, should be appropriate for use with combustible dusts and contain static dissipative or conductive components, should be bonded and grounded if necessary, shall contain the fan/blower on the clean side of the system, and shall be listed for Class II, Division 1 locations if necessary.

(5) Manual methods of sweeping, scooping, and brush cleaning should be done in a matter so as to not generate dense dust clouds.

(6) Compressed air blowdown, if authorized, should be limited to the following conditions:
- Following the use of other methods such as sweeping to remove the majority of dust layers.
-Dust layers do not exceed threshold housekeeping dust accumulations (maximum allowable dust accumulations).
-Equipping compressed air hoses with pressure relief nozzles to limit discharge pressure to 30 psi.
-All electrical equipment, including lighting, potentially exposed to airborne dust in the area during cleaning is either deenergized or determined suitable for use in Class II, Division 2, hazardous (classified) location.
-All other hot surfaces and ignition sources capable of igniting a dust cloud or dust layer is shut down or removed from the area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: September 13, 2024
Proposed Penalty: \$8,067.00

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.22(a)(1): The employer did not ensure that all places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition.

On or about February 28, 2024, the employer did not ensure that the Basement Area was kept in a clean, orderly, and sanitary condition in that there was a significant accumulation of combustible dust present, presenting explosion, deflagration, and fire hazards to the building occupants.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Among other methods, feasible means of abatement may include following National Fire Protection Association (NFPA) Standard 652 "Standard on Fundamentals of Combustible Dust, 2019 ed." - Sections 8.4.2.1 (Written Housekeeping Procedures), 8.4.2.2 (Vacuum Cleaning Methods), 8.4.2.3 (Sweeping, Shoveling, Scoop, and Brush Cleaning Methods), and 8.4.2.6 (Compressed Air Blowdown Method), 9.6.1 (Dust Control - Ventilation), 9.6.3 (Dust Control Fans for Continuous Dust Control). In addition, similar requirements can be found in NFPA Standard 1 "Fire Code, 2012 ed." - Section 40.3.2.2 (Housekeeping, Dust Clouds). Please note that the 2012 edition of NFPA 1 is adopted under the Wisconsin State Fire Code - Wisconsin Legislature - Chapter SPS 314: Fire Prevention.

Specifically:

- (1) Develop documented, written housekeeping procedures outlining the safe methods to be used for cleaning surfaces selected on a basis of reducing the potential for creating a combustible dust cloud, the frequency of cleaning, acceptable maximum dust layer levels, employer and employee responsibilities, the sequence of cleaning, etc.
- (2) Reduce the amount of fugitive dust emission releases from equipment through the design, development, installation, and maintenance of local exhaust ventilation and dust collection system. Ventilation and dust collection systems should be designed in accordance with NFPA 61 "Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities" and various sections of NFPA 652 addressing the need for means of dust collector explosion protection, fire protection, and deflagration propagation protection (isolation). This will serve to prevent dust accumulation.
- (3) Reduce the potential for fugitive dust emissions to settle on horizontal elevated surfaced from the introduction

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

of engineering technologies such as the installation angle of repose caps on exposed metal beams and/or oscillating fan system designed to keep fugitive dusts from settling and accumulate on elevated surfaces.

(4) Portable vacuum cleaners, where used, should be appropriate for use with combustible dusts and contain static dissipative or conductive components, should be bonded and grounded if necessary, shall contain the fan/blower on the clean side of the system, and shall be listed for Class II, Division 1 locations if necessary.

(5) Manual methods of sweeping, scooping, and brush cleaning should be done in a matter so as to not generate dense dust clouds.

(6) Compressed air blowdown, if authorized, should be limited to the following conditions:

- Following the use of other methods such as sweeping to remove the majority of dust layers.
- Dust layers do not exceed threshold housekeeping dust accumulations (maximum allowable dust accumulations).
- Equipping compressed air hoses with pressure relief nozzles to limit discharge pressure to 30 psi.
- All electrical equipment, including lighting, potentially exposed to airborne dust in the area during cleaning is either deenergized or determined suitable for use in Class II, Division 2, hazardous (classified) location.
- All other hot surfaces and ignition sources capable of igniting a dust cloud or dust layer is shut down or removed from the area.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: September 06, 2024
Proposed Penalty: \$8,067.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.25(b)(8): The employer did not ensure that spiral, ship, or alternating tread-type stairs are used only when the employer can demonstrate that it is not feasible to provide standard stairs.

On or about February 28, 2024, employees utilized a ship stair system to access the Back Dump Station where the installation and use of standard stairs was feasible.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$9,680.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.28(b)(3)(iv): The employer did not provide that each employee be protected from falling into a ladderway floor hole or ladderway platform hole by a guardrail system and toeboards erected on all exposed sides, except at the entrance to the hole, where a self-closing gate or an offset must be used.

On or about February 28, 2024, the employer did not provide that each employee accessing the back Silo Catwalk were protected from falling into a ladderway platform hole at the entrance to the hole, where a self-closing gate or an offset must be used.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$8,067.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.147(c)(4)(i): Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

On or about February 28, 2024, the employer did not ensure that procedure(s) for controlling hazardous energy on Mixers M1 and M2 in the basement were developed prior to employees reaching into the mixers to perform cleaning operations, exposing employees to amputation hazards.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$8,067.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:

On or about February 28, 2024, the employer did not ensure that employees tasked with cleaning Mixers M1 and M2 in the Basement were provided training to ensure that the purpose and function of the energy control program were understood and that the knowledge and skills required for the safe application, usage, and removal of energy controls was acquired by employees.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$8,067.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.147(f)(3)(ii)(D): Each authorized employee did not affix a personal lockout or tagout device to the group lockout device before working on the machine or equipment:

On or about February 28, 2024, the employer did not ensure that each employee engaged in Mixer cleaning operations in the Basement affixed a personal lockout or tagout device to a group lockout device before reaching into Mixers M1 and/or M2.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$8,067.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

On or about February 28, 2024, the employer did not ensure that materials stored in tiers within the Warehouse and Shipping/Receiving Area was stacked, blocked, interlocked or limited in height so that they were stable and secure against sliding and/or collapse.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$6,453.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.178(c)(2)(vi)(a): The employer did not provide powered industrial trucks designated as EX for use in an atmosphere in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

a) On or about February 28, 2024, the employer did not ensure that powered industrial truck(s) used in the Back Dump Area were designated as EX for use in an atmosphere in which combustible dust, such as but not limited to dried milk powder, was in suspension continuously, intermittently, and/or periodically under normal operating conditions.

b) On or about March 1, 2024, the employer did not ensure that powered industrial truck(s) used in the Main Production Area were designated as EX for use in an atmosphere in which combustible dust, such as but not limited to dried milk powder, was in suspension in quantities sufficient to produce explosive or ignitable mixtures during blowdown events.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 13, 2024
Proposed Penalty: \$8,067.00

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

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Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.32(b)(6): The annual summary was not posted no later than February 1 of the year following the year covered by the records and kept in place until April 30:

On or about February 28, 2024, the 2023 injury and illness annual summary was not posted at the worksite.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 06, 2024
\$1,613.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Citation 2 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative the records within the four business hours.

On February 28, 2024, the employer failed to provide copies of the injury and illness records to an authorized representative within four business hours. An employer may use the business hours of the establishment at which the records are located when calculating the deadline

CORRECTED DURING INSPECTION

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$1,613.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Citation 2 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation of powered industrial truck were performed by the employer without the manufacturer's prior written approval:

On or about February 28, 2024, a Caterpillar forklift in the Premix Area was fitted with extended fork tines without the manufacturer's prior written approval.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 13, 2024
Proposed Penalty: \$0.00

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: 1731103
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Citation 2 Item 4 Type of Violation: **Other-than-Serious**

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates or markings were maintained in a legible condition:

- a) On or about February 28, 2024, the employer did not ensure nameplates and load capacity charts were maintained in a legible condition on the Caterpillar forklift in the Premix Area.
- b) On or about February 28, 2024, the employer did not ensure nameplates and load capacity charts were maintained in a legible condition on the Komatsu forklift in the

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 13, 2024
Proposed Penalty: \$0.00

**NICOLE O
CONNOR** Digitally signed by
NICOLE O CONNOR
Date: 2024.08.22
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for **Chad E. Greenwood**
Area Director

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
1402 Pankratz Street, Suite 114
Madison, WI 53704



INVOICE / DEBT COLLECTION NOTICE

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098
Issuance Date: 08/22/2024

Summary of Penalties for Inspection Number: 1731103

Citation 1 Item 1, Serious	\$8,067.00
Citation 1 Item 2, Serious	\$8,067.00
Citation 1 Item 3, Serious	\$9,680.00
Citation 1 Item 4, Serious	\$8,067.00
Citation 1 Item 5, Serious	\$8,067.00
Citation 1 Item 6, Serious	\$8,067.00
Citation 1 Item 7, Serious	\$8,067.00
Citation 1 Item 8, Serious	\$6,453.00
Citation 1 Item 9, Serious	\$8,067.00
Citation 2 Item 1, Other-than-Serious	\$1,613.00
Citation 2 Item 2, Other-than-Serious	\$1,613.00
Citation 2 Item 3, Other-than-Serious	\$0.00
Citation 2 Item 4, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$75,828.00

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.

NICOLE O
CONNOR

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NICOLE O CONNOR
Date: 2024.08.22
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8/22/24

for Chad E. Greenwood

Date

Area Director

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



Citation and Notification of Penalty

To:
Strauss Feeds, L.L.C.
and its successors
W7507 Provimi Road
Watertown, WI 53098

Inspection Number: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024

Inspection Site:
W7507 Provimi Road
Watertown, WI 53098

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](http://www.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 08/22/2024. 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: 1731109

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098
Issuance Date: 08/22/2024

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.28(b)(1)(i): Except as provided elsewhere in this section 29 CFR 1910.28, the employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the systems described in 29 CFR 1910.28(b)(1)(i):

On or about February 28, 2024, in the Back Dump area, employees were exposed to a fall hazard of more than 4 feet without fall protection measures in place.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$9,680.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.28(b)(6)(i): The employer did not ensure that each employee less than 4 feet (1.2 m) above dangerous equipment is protected from falling into or onto the dangerous equipment by a guardrail system or a travel restraint system, unless the equipment is covered or guarded to eliminate the hazard:

On or about February 28, 2024, in the Back Dump area, employees were not protected from a fall into the moving parts of the horizontal baler.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$8,067.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.28(b)(11)(ii): The employer did not ensure that each flight of stairs having at least 3 treads and at least 4 risers is equipped with stair rail systems and handrails as described in 29 CFR 1910.28 Table D-2-Stairway Handrail Requirements:

On or about February 28, 2024, the flight of stairs leading to the basement was not equipped with complete stair rail systems on each open side, exposing Maintenance, Foreman, and General Labor employees to a fall hazard.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$4,839.00

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Citation 1 Item 4 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 March 6, 2024, the employer failed to establish a written respiratory protection program where respirators were necessary to protect the health of Pre-Mix and General Labor employees.

Employees were exposed to air contaminants at levels that exceeded Permissible Exposure Limits instances such as, but not limited to:

- a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 171.1 milligrams of Total Dust per cubic meter of air, approximately 11.4 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.
- b) On March 6, 2024, a General Labor employee operating on the Bag Line and Back Dump was exposed to an 8-hour time weighted average (TWA) of 24.3 milligrams of Total Dust per cubic meter of air, approximately 1.6 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 443-minute sampling period, with zero exposure assumed for the unsampled period of 37 minutes.
- c) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 15.5 milligrams of Respirable Dust per cubic meter of air, approximately 3.1 times the Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 13, 2024
Proposed Penalty: \$9,680.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.134(c)(2)(ii): The employer did not establish and implement those elements of a written program necessary to ensure that any employee using a respirator voluntarily was medically able to use that respirator, and that the respirator was cleaned, stored, and maintained so that its use does not present a health hazard to the user:

On or about February 28, 2024, the employer failed to establish and implement elements of a written respiratory protection plan such as medical evaluation and respirator cleaning, storage, and maintenance to ensure that Pre-Mix Employees voluntarily using an elastomeric half face respirator were medically able to wear a respirator and fully protected while doing so.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$9,680.00

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

On March 6, 2024, the employer failed to evaluate the respiratory hazards in the Pre-Mix and Back Dump production areas where employees were overexposed to Total Dust.

Employee exposures to Total Dust exceeded the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air in instances such as, but not limited to:

- a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 171.1 milligrams of Total Dust per cubic meter of air, approximately 11.4 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.
- b) On March 6, 2024, a General Labor employee operating on the Bag Line and Back Dump was exposed to an 8-hour time weighted average (TWA) of 24.3 milligrams of Total Dust per cubic meter of air, approximately 1.6 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 443-minute sampling period, with zero exposure assumed for the unsampled period of 37 minutes.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: **September 20, 2024**
Proposed Penalty: **\$9,680.00**

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of Particulates Not Otherwise Regulated - Total Dust, listed in Table Z-1, in excess of the 8-hour Time Weighted Average concentration of 15 milligrams per cubic meter of air:

Employee exposures to Total Dust exceeded the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air in instances such as, but not limited to:

- a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 171.1 milligrams of Total Dust per cubic meter of air, approximately 11.4 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.
- b) On March 6, 2024, a General Labor employee operating on the Bag Line and Back Dump was exposed to an 8-hour time weighted average (TWA) of 24.3 milligrams of Total Dust per cubic meter of air, approximately 1.6 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 443-minute sampling period, with zero exposure assumed for the unsampled period of 37 minutes.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 20, 2024
Proposed Penalty: \$0.00



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

Employee exposures to Total Dust exceeded the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air in instances such as, but not limited to:

a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 171.1 milligrams of Total Dust per cubic meter of air, approximately 11.4 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.

b) On March 6, 2024, a General Labor employee operating on the Bag Line and Back Dump was exposed to an 8-hour time weighted average (TWA) of 24.3 milligrams of Total Dust per cubic meter of air, approximately 1.6 times the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air. The exposure was derived from samples collected over a 443-minute sampling period, with zero exposure assumed for the unsampled period of 37 minutes.

1. Evaluate the efficacy of the ventilation provided for the Pre-Mix and Back Dump areas. Ensure that the ventilation meets or exceeds the most current recommendations outlined in the Handbook of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE). This may include the use of localized capture ventilation.
2. Research administrative controls to reduce the amount of Total Dust released into the work environment. This may include the use of enclosing processes, modifying work procedures, or employee rotation.

Disclaimers:

- 1. The employer is not limited to the abatement methods suggested by OSHA;**
- 2. The methods explained are general and may not be effective in all cases; and**
- 3. The employer is responsible for selecting and carrying out an effective abatement method.**

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Abatement Schedule

STEP 1: Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering controls can be implemented or whenever such controls fail to reduce employee exposures to within permissible exposure limits.

STEP 2: A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with abatement dates required by this citation:

- 1. Evaluation of engineering control options;**
- 2. Selection of optimum control methods and completion of design;**
- 3. Procurement, installation, and operation of selected control measures; and**
- 4. Testing and acceptance or modification/redesign of controls.**

NOTE: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person.

STEP 3: Abatement shall have been completed by the implementation of feasible engineering controls upon verification of their effectiveness in achieving compliance.

STEP 1 - Date by Which Violation Must be Abated: AUGUST 22, 2024

STEP 2 - Date by Which Violation Must be Abated: SEPTEMBER 23, 2024

STEP 3 - Date by Which Violation Must be Abated: NOVEMBER 22, 2024

Date By Which Violation Must be Abated:

November 22, 2024

Proposed Penalty:

\$0.00

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

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

29 CFR 1910.134(d)(1)(iii): The employer did not identify and evaluate the respiratory hazard(s) in the workplace; including a reasonable estimate of employee exposures to respiratory hazards and identification of the contaminant's chemical state and physical form:

On March 6, 2024, the employer failed to evaluate the respiratory hazards in the Pre-Mix and Back Dump production areas where employees were overexposed to Respirable Dust.

Employee exposures to Respirable Dust exceeded the Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air in instances such as, but not limited to:

a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 15.5 milligrams of Respirable Dust per cubic meter of air, approximately 3.1 times the Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 20, 2024
Proposed Penalty: \$9,680.00



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.1000(a)(2): Employee(s) were exposed to an airborne concentration of Particulates Not Otherwise Regulated - Respirable Dust, listed in Table Z-1, in excess of the 8-hour Time Weighted Average concentration of 15 milligrams per cubic meter of air:

Employee exposures to Respirable Dust exceeded the Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air in instances such as, but not limited to:

a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 15.5 milligrams of Respirable Dust per cubic meter of air, approximately 3.1 times the Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 20, 2024
Proposed Penalty: \$0.00



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.1000(e): Feasible administrative or engineering controls were not determined and implemented to achieve compliance with the limits prescribed in 29 CFR 1910.1000(a) through (d):

Employee exposures to Respirable Dust exceeded the Permissible Exposure Limit (PEL) of 15 milligrams per cubic meter of air in instances such as, but not limited to:

a) On March 6, 2024, a Pre-Mix Lead was exposed to an 8-hour time weighted average (TWA) of 15.5 milligrams of Respirable Dust per cubic meter of air, approximately 3.1 times the Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air. The exposure was derived from samples collected over a 446-minute sampling period, with zero exposure assumed for the unsampled period of 34 minutes.

1. Evaluate the efficacy of the ventilation provided for the Pre-Mix area. Ensure that the ventilation meets or exceeds the most current recommendations outlined in the Handbook of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE). This may include the use of localized capture ventilation.
2. Research administrative controls to reduce the amount of Respirable Dust released into the work environment. This may include the use of an enclosing processes, modifying work procedures, or employee rotation.

Disclaimers:

- 1. The employer is not limited to the abatement methods suggested by OSHA;**
- 2. The methods explained are general and may not be effective in all cases; and**
- 3. The employer is responsible for selecting and carrying out an effective abatement method.**

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: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Abatement Schedule

STEP 1: Effective respiratory protection shall be provided and used by exposed employees as an interim protective measure until feasible engineering controls can be implemented or whenever such controls fail to reduce employee exposures to within permissible exposure limits.

STEP 2: A written detailed plan of abatement shall be submitted to the Area Director outlining a schedule for the implementation of engineering measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include, at a minimum, target dates for the following actions which must be consistent with abatement dates required by this citation:

1. Evaluation of engineering control options;
2. Selection of optimum control methods and completion of design;
3. Procurement, installation, and operation of selected control measures; and
4. Testing and acceptance or modification/redesign of controls.

NOTE: All proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person.

STEP 3: Abatement shall have been completed by the implementation of feasible engineering controls upon verification of their effectiveness in achieving compliance.

Date by Which Violation Must be Abated: STEP-1 UPON ISSUANCE

Date by Which Violation Must be Abated: STEP-2 30 DAYS FROM ISSUANCE

Date by Which Violation Must be Abated: STEP-3 90 DAYS FROM ISSUANCE

Date By Which Violation Must be Abated: September 20, 2024
Proposed Penalty: \$0.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.146(c)(7)(iii): The employer did not document the basis for determining that all hazards in a permit space had been eliminated, through a written certification that contained the date, the location of the space, and the signature of the person making the determination:

On or about February 28, 2024, the employer failed to provide Production Employees with a method of determining and certifying permit-space hazards had been eliminated before employees cleaning Mixer 3 entered the confined space.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$8,067.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

On or about February 28, 2024, maintenance employees performing the refilling of electric forklift batteries, exposed to the corrosive battery acid, were not provided suitable facilities for quick drenching or flushing of the eyes and body for immediate emergency use.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated:
Proposed Penalty:

September 27, 2024
\$4,839.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

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

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical and health hazards of the chemicals in the work area:

On or about February 28, 2024, employees across the facility were not trained on the physical, health, and combustible dust hazards of the chemicals in the work area, including but not limited to Hubercarb Q6 and combustible dust.

In accordance with 29 CFR 1903.19(c) & (d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5), and in addition, documentation demonstrating that abatement is complete, must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence, or written records.

Date By Which Violation Must be Abated:
Proposed Penalty:

September 13, 2024
\$11,292.00

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: 1731109
Inspection Date(s): 02/28/2024 - 08/06/2024
Issuance Date: 08/22/2024



Citation and Notification of Penalty

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.134(k)(6): The employer did not provide the basic advisory information on respirators, as presented in Appendix D of 29 CFR 1910.134, in written or oral format to employees who wear respirators when such use was not required by the employer:

On or about February 28, 2024, the employer failed to provide production employees with the information contained in Appendix D to 29 CFR 1910.134 before allowing voluntary use of respirators such as half-mask elastomeric respirators and N95 filtering facepiece respirators.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET from Page 5).

Date By Which Violation Must be Abated: September 06, 2024
Proposed Penalty: \$0.00

**NICOLE O
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for **Chad E. Greenwood**
Area Director

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
1402 Pankratz Street, Suite 114
Madison, WI 53704



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Strauss Feeds, L.L.C.
Inspection Site: W7507 Provimi Road, Watertown, WI 53098
Issuance Date: 08/22/2024

Summary of Penalties for Inspection Number: 1731109

Citation 1 Item 1, Serious	\$9,680.00
Citation 1 Item 2, Serious	\$8,067.00
Citation 1 Item 3, Serious	\$4,839.00
Citation 1 Item 4, Serious	\$9,680.00
Citation 1 Item 5, Serious	\$9,680.00
Citation 1 Item 6a, Serious	\$9,680.00
Citation 1 Item 6b, Serious	\$0.00
Citation 1 Item 6c, Serious	\$0.00
Citation 1 Item 7a, Serious	\$9,680.00
Citation 1 Item 7b, Serious	\$0.00
Citation 1 Item 7c, Serious	\$0.00
Citation 1 Item 8, Serious	\$8,067.00
Citation 1 Item 9, Serious	\$4,839.00
Citation 1 Item 10, Serious	\$11,292.00
Citation 2 Item 1, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES: \$85,504.00

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.

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8/22/24

for Chad E. Greenwood

Date

Area Director