

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Drive,  
Suite 303,  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



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## Citation and Notification of Penalty

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**To:**  
Hastings Acquisitions, dba Nebraska Prime Group  
and its successors  
1009 W. M St.,  
Hastings, NE 68901

**Inspection Number:** 190339  
**Inspection Date(s):** 01/18/2012 -  
**Issuance Date:** 07/12/2012

**Inspection Site:**  
1009 W. M St.  
Hastings, NE 68901

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

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

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

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

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

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

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

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

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

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days

(excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/12/2012. The conference will be held at the OSHA office located at 444 Regency Parkway Drive,, Omaha, NE 68114 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 190339**

Company Name: Hastings Acquisitions, dba Nebraska Prime Group  
Inspection Site: 1009 W. M St., Hastings, NE 68901  
Issuance Date: 07/12/2012

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, 444 Regency Parkway Drive,, Suite 303, Omaha, NE 68114**

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:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

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

The employer is failing to protect employees from the hazard of asphyxiation by strangulation associated with loose fitting clothing, loose hair, and jewelry in the near proximity of moving parts of machinery that could result in death, amputation or other serious physical harm. An employee was fatally injured when the scarf he was wearing got caught in the drive roller of the hide belt in the facility pulling the employee into the belt and strangling him.

Among other methods, feasible and acceptable methods of abatement are:

- 1) Ensure that all employees are trained, on an on-going basis, regarding the hazards of loose fitting clothing, loose hair, and jewelry in the near proximity of moving parts of machinery.
- 2) Develop and implement an inspection/evaluation protocol to ensure that employees are not wearing loose fitting clothing or jewelry prior to the start of work, whenever in the near proximity of moving parts of machinery, and prior to returning to work in the facility.
- 3) Ensure that employees wear cold weather clothing, where appropriate, that has been reviewed for applicability for the environment (hazards in the area). This would include a review of the clothing for entanglement or entrapment issues.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

07/27/2012  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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**Citation 1 Item 2** 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.

Throughout the facility The employer is failing to protect employees from electrical shock and amputation hazards. The employer is failing to conduct inspections/evaluations of the lock-out/tag-out program. Failure to conduct these inspections has hindered the employer from identifying potential lapses in the program including, but not limited to, the lack of or inadequate number of locks for employees in the facility and deficiencies in employee training.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:  
Proposed Penalty:

08/11/2012  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

Throughout the facility - The employer is failing to ensure that all authorized employees are adequately trained in regards to this standard. Not all employees, who are exposed to unexpected energization, have received this training. Employees are required to maintain equipment including, but not limited to, conveyors, hide pullers and meat saws throughout the facility.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	08/11/2012
Proposed Penalty:	\$7000.00





**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

29 CFR 1910.178(a)(4): Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval.

Throughout the facility - The employer is failing to protect employees from potential struck by hazards associated with operating a forklift with unauthorized modifications. The employer has had employees operating the Case powered industrial truck with holes in the tip of the forks to move pallets of material throughout the facility grounds.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date by which Violation must be Abated: 07/27/2012  
Proposed Penalty: \$4400.00

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

29 CFR 1910.178(a)(6): The user shall see that all nameplates and markings are in place and are maintained in a legible condition.

Throughout the facility The employer is failing to ensure that forklifts in the facility have a data plate that is legible posted on the forklifts, including, but not limited to the Case 586C forklift. This makes it impossible for operators to know the specifications and restrictions of the equipment creating the potential for an operator to attempt to lift loads that exceed the capabilities of the forklift.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date by which Violation must be Abated: 07/27/2012  
Proposed Penalty: \$4400.00



### Citation and Notification of Penalty

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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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 1910.178(l)(1)(i): The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).

Throughout the facility The employer is failing to ensure that all employees operating powered industrial trucks at the facility are adequately trained in accordance with the requirements of this subpart, including but not limited to 29 CFR 1910.178(l)(2)(ii) and topics required per 29 CFR 1910.178(l)(3)(G), (J) and (M). There is also no documented evaluations in accordance with 29 CFR 1910.178(l)(2)(ii) and 29 CFR 1910.178(l)(6). Employees operate these vehicles without the requisite knowledge to operate them in a safe manner.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date by which Violation must be Abated: 08/11/2012  
Proposed Penalty: \$6600.00

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

29 CFR 1910.178(l)(1)(ii): Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this paragraph (l), except as permitted by paragraph (l)(5).

Throughout the facility The employer is allowing employees, who have not been adequately trained, evaluated and certified as outlined in paragraphs (l)(2), (l)(3) and (l)(6) of this subpart, to operate powered industrial trucks at the facility

Abatement certification and abatement documentation is required for this violation. The abatement



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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certification sheet is enclosed with the citations.

Date by which Violation must be Abated: 08/11/2012

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

29 CFR 1910.178(p)(1): If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.

Throughout the facility - The employer is failing to protect employees from potential laceration/amputation and operational injury hazards in that powered industrial trucks which have recognized mechanical hazards are allowed to be operated by employees. An employee was observed operating a powered industrial truck which had no floor plate, back up alarm or lights. The operator had to rest his heel on a portion of the floor and use the tip of his toes to activate the accelerator and brake. If his foot was to slip he would step down into the moving parts of the motor and possibly experience injury or potentially losing control of the vehicle and run into people or property in the area adjacent to the vehicle.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date by which Violation must be Abated: 08/11/2012  
Proposed Penalty: \$6600.00

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

**Inspection Number:** 190339  
**Inspection Date(s):** 01/18/2012 -  
**Issuance Date:** 07/12/2012



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

29 CFR 1910.178(q)(7): Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily. Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

Throughout the facility - The employer is failing to ensure that the forklifts in the facility are being inspected prior to being placed into service each day/shift. An employee was observed operating a powered industrial truck which had no floor plate, back up alarm or lights. The operator had to rest his heel on a portion of the floor and use the tip of his toes to activate the accelerator and brake.

Abatement certification and abatement documentation is required for this violation. The abatement certification sheet is enclosed with the citations.

Date by which Violation must be Abated:

07/27/2012

Proposed Penalty:

\$6600.00



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

29 CFR 1910.305(g)(1)(iv): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used:

Northeast corner of Main production area in the facility The employer is failing to ensure employees are protected from electrical hazards. These include, but are not limited to the following. Extension cords are being attached to the metal building surface and run through the same metal surface of the building; both of which are prohibited under this standard. The flexible cord is being used to power a battery charging station which is energized to 240 volts.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

Date by which Violation must be Abated:  
Proposed Penalty:

07/27/2012  
\$5500.00



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

Throughout the facility The employer is failing to ensure Lock-out/Tag-out (LOTO) devices are provided to each employee required to conduct lock-out/tag-out operations. Not all employees required to perform LOTO operations, have the required devices. Employees are required to maintain, repair and service multiple machinery including, but not limited to, conveyors, chain drives, saws, numerous machines used in the facility to slaughter cattle. Employees perform maintenance operations without locking machinery out.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:	07/27/2012
Proposed Penalty:	\$70000.00



**Citation and Notification of Penalty**

**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are-barrier guards, two-hand tripping devices, electronic safety devices, etc.

Hide area in the facility The employer is failing to protect employees from the hazards of machines by not properly guarding them from amputation and strangulation hazards on equipment including, but not limited to, hide conveyor belt in the hide area in the kill area of the plant. Employees are exposed to these hazards due to the lack of guarding on equipment. An employee suffered a fatal injury due to the lack of proper guarding on the conveyor.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date by which Violation must be Abated:

07/27/2012

Proposed Penalty:

\$70000.00

A handwritten signature in blue ink, appearing to read "Bonita Winingham", written over a horizontal line.

**Bonita Winingham**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Drive,  
Suite 303,  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Hastings Acquisitions, dba Nebraska Prime Group  
**Inspection Site:** 1009 W. M St., Hastings, NE 68901  
**Issuance Date:** 07/12/2012

<b>Summary of Penalties for Inspection Number</b>	<b>190339</b>
<b>Citation 1, Serious</b>	<b>\$55100.00</b>
<b>Citation 2, Willful - Serious</b>	<b>\$140000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$195100.00</b>

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To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

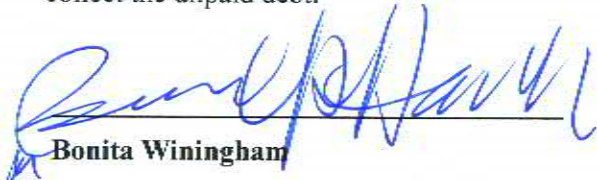
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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



**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
**Bonita Winingham**  
Area Director

7-12-2012  
Date