

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171 FAX: (402)551-1288



## Citation and Notification of Penalty

**To:**  
Loveland Products, Inc.  
and its successors  
71025 569th Avenue  
Fairbury, NE 68352

**Inspection Number:** 314061896  
**Inspection Date(s):** 07/28/2011-08/12/2011  
**Issuance Date:** 01/23/2012

**Inspection Site:**  
71025 569th Avenue  
Fairbury, NE 68352

*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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal

conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 5 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 are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification **must** be sent by you within **10 calendar days** of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

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

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

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

**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 your inspection will be available 7 calendar days after the Citation Issuance Date. 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.

THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 affords workers the right to a safe workplace. OSHA requires employers to provide a workplace that is free of serious recognized hazards and in compliance with OSHA standards. Workers have the right to FILE A COMPLAINT WITH OSHA if they believe that there are either violations of OSHA standards or serious workplace hazards. Contact the OSHA Area office nearest you or contact our toll free number: 1-800-321-OSHA (6742)... TTY 1-877-889-5627. To file a complaint online or obtain information on your rights in the workplace, visit OSHA's website at [www.osha.gov](http://www.osha.gov).

**ABATEMENT CERTIFICATION**

Bonita Winingham, Area Director  
U.S. Department of Labor - OSHA  
444 Regency Parkway Dr.  
Lake Regency Office Bldg, Ste. 303  
Omaha, NE 68114  
Phone: (402)553-0171

Loveland Products, Inc.  
71025 569th Avenue  
Fairbury, NE 68352

The hazard referenced in Inspection Number 314061896 for violation identified as:

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed. [ ] check if applicable

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed. [ ] check if applicable

Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.

Method of correction: \_\_\_\_\_

\_\_\_\_\_  
\*Abatement documentation is enclosed. [ ] check if applicable

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(email address)

\_\_\_\_\_  
Typed or Printed Name



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/23/2012. The conference will be held at the OSHA office located at 444 Regency Parkway Dr., Lake Regency Office Bldg, Ste. 303, Omaha, NE, 68114 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained in a clean and, so far as possible, a dry condition.

Quonset Hut Storage Area: The floor in the hut is not maintained in a clean and dry condition. The roof of the structure has failed and after a rain shower, the water accumulates on the floors and has also damaged product stored in the structure. The damaged product (boxes holding plastic containers) has fallen over due to the water damage onto the floors and spilled the product.

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

Date By Which Violation Must be Abated:	02/10/2012
Proposed Penalty:	\$ 4000.00

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

29 CFR 1910.22(d)(1): On every building or other structure, or part thereof, used for mercantile, business, industrial or storage purposes, the loads approved by the building official were not marked on plates of approved design and securely affixed to the building:

At the following locations, the floor loading has not been posted to show the floor capacity of the structure. Without this knowledge it is possible to overload the floor to the point of failure:

- a. Office Area, 2nd level office and storage.
- b. Air Compressor area, 2nd level storage.

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

Date By Which Violation Must be Abated:	02/10/2012
Proposed Penalty:	\$ 5000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
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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 resulting from an accident.

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

29 CFR 1910.38(c)(2): The employer failed to develop procedures for emergency evacuation which included the type of evacuation and exit route assignments:

Throughout the Facility: The employer has not developed any type of exit routes for the employees to follow in the event of an evacuation. The facility uses ammonia as part of their production and a release could harm any employee that does not evacuate to a safe, predetermined area. The evacuation plan should include a method for determining the safe route and rally point.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.38(c)(4): The employer failed to develop procedures for emergency evacuation which include procedures to account for all employees after an evacuation:

Throughout the Facility: The employer has not developed any type of system to account for the employees in the event of an evacuation. This would include a method to track the daily employee counts so that there could be an accurate count at any evacuation location.

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:** 02/24/2012

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

29 CFR 1910.38(d): The employer failed to have and maintain an employee alarm system. The alarm system must use a distinctive signal for each purpose:

Throughout the Facility: The employer has not installed any form of alarm system which would notify the employees of an ammonia release. The reactor area does have an ammonia detector with a local alarm, but that does not provide for notification to the rest of 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.

**Date By Which Violation Must be Abated:** 02/24/2012





### **Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(d)(3)(i)(B): Process safety information pertaining to the equipment in the process did not include accurate Piping and Instrumentation Diagrams (P&ID):

Throughout the Facility: The Piping and Instrumentation Diagram developed for the system did not include all of the components of the system. Safety Relief Valves (SRV) located on the North and South Reactors were not included in the diagram. The P&ID also omitted the SRV release locations.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(e)(3)(i): The process hazard analysis did not address the hazard of the process:

Throughout the Facility: The Process Hazard Analysis (PHA) which was performed in 2009 failed to address the hazards of the process.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00



### Citation and Notification of Penalty

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(e)(3)(v): The process hazard analysis did not address facility siting:

Throughout the Facility: The Process Hazard Analysis (PHA) which was performed in 2009 failed to address facility siting. This would include a review of the locations of each building and how they could be potentially affected by the ammonia process.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.119(e)(3)(vi): The process hazard analysis did not address Human Factors:

Throughout the Facility: The Process Hazard Analysis (PHA) which was performed in 2009 failed to address human factors analysis. This would include a review of the interaction of the operators/employees with the ammonia system.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(f)(1)(i)(D): The employer has failed to develop and implement an operating procedure that addresses emergency shutdown which includes the condition under which the shutdown is required, and the assignment of shut down responsibility.

Throughout the Facility: The employer did not develop an emergency shutdown procedure that covers the situations in which an emergency shutdown would be required nor does it assign responsibility for initiating a shut down.

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.

<b>Date By Which Violation Must be Abated:</b>	<b>02/24/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(f)(1)(iii)(B): The employer has failed to develop and implement an operating procedure discussing the precautions necessary to prevent exposure; including engineering controls, administrative controls, and personal protective equipment.

Throughout the Facility: The employer did not develop an operating procedure that that addresses how the employees will be protected from exposure to anhydrous ammonia. The company has developed basic procedures that discuss the production process but nothing that indicates how the employees that work with the chemical are protected or how they would be protected in the event of an upset condition i.e. engineering control, PPE, or some other method.

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.

<b>Date By Which Violation Must be Abated:</b>	02/24/2012
<b>Proposed Penalty:</b>	\$ 7000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(f)(1)(iii)(C): The employer has failed to develop and implement an operating procedure discussing the control measures to be taken if physical contact or airborne exposure occurs.

Throughout the Facility: The employer did not develop an operating procedure that discusses what actions will be taken in the event of an exposure to anhydrous ammonia. The employer has failed to develop a procedure for response actions for employee exposure that would include but is not limited to event escalation, emergency response, or containment.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(j)(2): The employer didn't establish and implement written procedures to maintain the on-going integrity of process equipment.

Throughout the Facility: The employer has not developed any procedures for ensuring the mechanical integrity of the system. This would include a program outlining preventative maintenance, component replacement, and/or repair. One such example would be a valve replacement procedure to include a change out schedule for safety relieve valves.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(j)(4)(ii): Inspections and tests of process equipment did not follow recognized and generally accepted good engineering practices.

Throughout the Production area, Ammonia transfer components and vessels: The piping for the system was not inspected as outlined in any applicable recognized and generally accepted good engineering practices. A portion of the process piping is underground and can not be inspected and the exposed piping has only been inspected visually, no actual thickness testing has been accomplished. Two reactor vessels at the facility have been inspected by plant personnel; however, those persons do not carry any type of certifications for this type of inspection activity.

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.

<b>Date By Which Violation Must be Abated:</b>	<b>02/24/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(k)(2): Hot work permits utilized by the employer did not document that the fire prevention and protection requirements in 29 CFR 1910.252(a) have been implemented prior to beginning the hot work operations; the dates(s) authorized for hot work; and the identity of the object on which hot work is to be performed.

Throughout the Facility: The Hot Work Permits being utilized by the employer did not document that the fire prevention and protection requirements in 29 CFR 1910.252(a) were being implemented prior to the beginning of hot work operations nor did it specify the object in which the work was to be performed.

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

Date By Which Violation Must be Abated:	02/24/2012
Proposed Penalty:	\$ 5000.00



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

**Inspection Number:** 314061896  
**Inspection Dates:** 07/28/2011 - 08/12/2011  
**Issuance Date:** 01/23/2012



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(I)(1): The employer didn't establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures; and changes to facilities that affect a covered process.

Throughout the Facility: The employer didn't develop any implement any written procedures to ensure that any changes to process equipment included all elements outlined in the standard. This would include the technical basis for the change; the impact of the change on safety and health; modifications to the operating procedures; necessary time period for the change; and authorization requirements for the proposed change. The company implemented changes to the system in 2010 and did not have a written procedure in place.

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.

<b>Date By Which Violation Must be Abated:</b>	<b>02/24/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(l)(4): The employer failed maintain or update process safety information after a change was made to the system.

Throughout the Facility: In June of 2010, the emergency stop system was replaced with an air actuated system which was not a replacement in kind. The employer failed to update the process safety information with information regarding the change; specifically the safety systems associated with the process.

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.

<b>Date By Which Violation Must be Abated:</b>	<b>02/24/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.119(o)(1): The employer failed to conduct an audit to evaluate compliance with the provisions of this section at least every three years to verify that the procedures and practices developed under the standard are adequate and being followed.

Throughout the Facility: The employer conducted a compliance audit in the spring of 2009 that failed to address many of the Process Safety Management elements identified in the standard. This would include but is not limited to Mechanical Integrity (no written procedures), Management of Change (No procedure for change actions), Process Hazard Analysis (failed to review siting and human factors), and Emergency Response.

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.

<b>Date By Which Violation Must be Abated:</b>	<b>02/24/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
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**Citation 1 Item 17** Type of Violation:  **Serious**

29 CFR 1910.119(o)(4): The employer failed to promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected.

Throughout the Facility: The employer failed to develop a system to track any identified deficiencies noted during the Process Safety Management Audit. There were six items identified in the spring 2009 audit and no method to track those open items until they were corrected. The employer has also failed to document that the items have been corrected.

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:	02/24/2012
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
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**Citation 1 Item 18** Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(ii): The energy control procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, including, but not limited to the items of this section:

Throughout the Facility: Lockout/tagout procedures did not meet the requirements outlined above. The developed procedures are vague in that they do not clearly specify the techniques in which lockout operations will be performed and they do not clearly indicate the locations where energy may be isolated (switches, valves, breaker numbers, etc). Some equipment examples include but are not limited to the Liquid Plant Norta Rx and Blender.

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.

<b>Date By Which Violation Must be Abated:</b>	<b>02/24/2012</b>
<b>Proposed Penalty:</b>	<b>\$ 7000.00</b>



### Citation and Notification of Penalty

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

Throughout the Facility: The employer failed to conduct a periodic inspection of the energy control procedures as outlined in the standard.

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

Date By Which Violation Must be Abated:	02/24/2012
Proposed Penalty:	\$ 5000.00

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

29 CFR 1910.303(g)(2)(i): Live parts of electric equipment operating at 50 volts or more were not guarded against accidental contact by approved cabinets or other forms of approved enclosures.

Quonset Hut Storage Area: There is a live 480 volt electrical line attached to the east wall that is not protected from contact by some type of enclosure or by de-energizing and locking out the breaker that provides current to the line.

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

Date By Which Violation Must be Abated:	02/10/2012
Proposed Penalty:	\$ 5000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
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**Citation 1 Item 21** Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

Quonset Hut: Three electrical boxes located to the east of the main entrance to the facility were not provided with a cover to prevent accidental contact with the live parts within. The panels ranged in voltage from 120 to 480. Covers for two of the panels were on the floor in the area and the third has a hinged door that had been left open.

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

Date By Which Violation Must be Abated:	02/10/2012
Proposed Penalty:	\$ 5000.00

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

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture or water from entering and accumulating within the enclosures:

North and South Reactor Area: The electrical enclosures located on the west wall behind the reactors are not designed for exposure to water and have become corroded.

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

Date By Which Violation Must be Abated:	02/24/2012
Proposed Penalty:	\$ 6000.00



**Citation and Notification of Penalty**

**Company Name:** Loveland Products, Inc.  
**Inspection Site:** 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

North Reactor Room, East Wall: An extension cord was plugged into an outlet used to power a length of heat tape. The heat tape is used to prevent a water line from freezing when the temperatures drop.

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

Date By Which Violation Must be Abated:	02/10/2012
Proposed Penalty:	\$ 3000.00

**Citation 1 Item 24** Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(iii): Employee training did not include the measures employees can take to protect themselves from chemical hazards, including specific procedures the employer had implemented to protect employees from exposure to hazardous chemicals:

Throughout the company: The employer failed to provide training as prescribed in the paragraph above in that the employees had not been trained on the hazards of the chemicals that they commonly use including but not limited to Accomplish 3-0-0, Titan 3-0-0, and other general lubricants.

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

Date By Which Violation Must be Abated:	02/24/2012
Proposed Penalty:	\$ 5000.00





**Citation and Notification of Penalty**

Company Name: Loveland Products, Inc.  
Inspection Site: 71025 569th Avenue, Fairbury, NE 68352

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

29 CFR 1910.178(l)(6): The employer did not certify that each operator has been trained and evaluated as required by this paragraph (l). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.

Throughout the Facility: The employer failed to ensure that written certification for each fork truck operator was written and maintained as outlined in the standard.

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

Date By Which Violation Must be Abated:	02/10/2012
Proposed Penalty:	\$ 0.00

  
Bonita Winingham  
Area Director