

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

1000 East Grand  
Des Moines, IA 50319  
Phone: (515)281-3606 FAX: 515-281-7995

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## Citation and Notification of Penalty

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**To:**  
Agriprocessors, Inc.  
and its successors  
P.O. Box 920  
Postville, IA 52162

**Inspection Number:** 311615652  
**Case File/CSHO ID:** 12476 / Y1516  
**Inspection Date(s):** 10/31/2007 -  
**Issuance Date:** 03/06/2008

**Inspection Site:**  
220 West Street  
Postville, IA 52162

*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 describes violations of the Iowa Occupational Safety and Health Act. 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 holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Iowa Division of Labor Services at the address shown above. Please refer to the enclosed booklet which outlines your rights and responsibilities and which should be read in conjunction with this form.

**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 holidays), whichever is longer. **The penalty dollar amount(s) 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 within 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 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 3 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 Division of Labor 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 Iowa Employment Appeal Board 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.) Make your check or money order payable to "Division of Labor-IOSH". Please indicate the Inspection Number on the remittance.

IOSHA 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 violations which you do not contest, you should notify the Division of Labor promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform this office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**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 Division of Labor at the address shown above.

**Employer Responsibilities and Courses of Action Following an IOSHA Inspection** - The enclosed booklet 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 Division of Labor at the address shown above and postmarked within 15 working days (excluding weekends and holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the citation(s) issued on 03/06/2008. The conference will be held at the Division of Labor office located at 1000 East Grand, Des Moines, IA, 50319 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311615652  
**Inspection Dates:** 10/31/2007 -  
**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

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

- (a) Beef Kill Area - The employees were working and walking around wet floors which were also littered with scraps of fat, water, blood, and carcass trimming. There were no drains near the wash off areas which caused standing water. This condition existed on or about 11/01/07 resulting in sprain, fracture injuries.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 5000.00

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

IAC 875 - Chapter 10

1910.23(a)(5): Infrequently used pit or trap door floor opening(s) were not guarded by floor opening covers of standard strength and construction:

- (a) Lift Station - Twenty four (24) inch opening to the pit in the floor. There was not any type of guard or cover for the lift station. This condition was noted on or about 11/01/07 and could result in serious injury.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311615652  
**Inspection Dates:** 10/31/2007 -  
**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.23(a)(8): Floor hole(s), into which persons could accidentally walk, were not guarded:

- (a) Chicken Cutup - Hole in floor in an aisle which measured 3 1/4 inches was not guarded. This condition was noted on or about 10/31/07 and could result in sprains and strain related injuries.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2000.00</b>

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

IAC 875 - Chapter 10

1910.36(d)(1): Employees must be able to open an exit route door from the inside at all times without keys, tools, or special knowledge.

- (a) Office door - A swipe card was required to exit the office area. This condition was noted on or about 10/31/07 which could result in a delay in the event of a fire or other emergency.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

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**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

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**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.36(g)(2): Way(s) of exit access were less than 28 inches in width:

- (a) Non Kosher Pack Off Line - Employees' access to workstation was less than 28 inches wide. There was an area that measured twelve (12) inches in width where the employees enter the work area. This condition existed on or about 11/01/07 resulting in fire and smoke related hazards.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

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

IAC 875 - Chapter 10

1910.37(b)(1): Exit route must be adequately lighted so that an employee with normal vision can see along the exit route:

- (a) Including but not limited to shipping and office area - Exit routes were not adequately lighted or lit. This condition was noted on or about 10/31/07 and could result in serious injury.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

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**Inspection Number:** 311615652  
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### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.37(b)(4): Sign(s) reading "EXIT", or similar designation, with an arrow indicating the direction, were not placed in every location where the direction of travel to reach the nearest exit was not immediately apparent:

- (a) Facility wide - There were several exits not indicating the direction of travel for means of egress in case of fire or other emergency. This condition was noted on or about 10/31/07 and could result in serious injury.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 5000.00

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

IAC 875 - Chapter 10

1910.37(b)(6): Exit sign(s) were not suitably illuminated by a reliable light source which gave a value of not less than 5 foot candles on the illuminated surface:

- (a) Shipping Department - The exit sign, which was marked "exit" with what appeared to be a black magic marker, was not illuminated. This condition was noted on or about 11/01/07 and could result in serious injury.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2000.00

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### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
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#### Citation 1 Item 9 Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.37(b)(7): Exit sign(s) did not have the word "EXIT" in plainly legible letters, 6 inches or more in height, with the principal strokes of letters not less than 3/4 inch wide:

- (a) Shipping - Exit sign on door measured approximately three (3) inches high by 1/8 of an inch wide. This condition was noted on or about 10/31/07 and could result in serious injury.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$ 2000.00</b>

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

IAC 875 - Chapter 10

1910.132(a): Protective equipment was not used in the workplace when hazards existed:

- (a) Facility wide - The employer failed to require employees to wear personal protective equipment that include, but are not limited to: safety glasses, arm guards, torso/belly guards when hazards existed. The employees were exposed to injuries that include, but are not limited to: cuts, lacerations, amputation from not using proper protective equipment, and eye injuries from chemical and other irritants. This condition was noted on or about 10/31/07 and could result in stabs, laceration and/or eye injuries to employees.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
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#### Citation 1 Item 11 Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

- (a) Facility wide - No hazard assessment or equipment selection done at the facility that would prevent or reduce eye injuries and or cuts and lacerations to employees. The employees were using knives and electric saws while not using proper personal protective equipment which could result in cuts, lacerations and amputations. The employees were not wearing eye protection when exposed to chemicals and other irritants. This condition was noted on or about 10-31-07 and could result in serious injury.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

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

IAC 875 - Chapter 10

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

- (a) Facility wide - The employer failed to evaluate the workplace to identify permit-required confined spaces such as, but not limited to: chicken chiller which was equipped with an extruder and/or moving parts and tenderizer tumbler which was equipped with paddles and/or moving parts. This condition was noted on or about 10/31/07 and could result in serious injury.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Company Name:** Agriprocessors, Inc.  
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#### Citation 1 Item 13 Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

- (a) Facility wide - Employer failed to post a sign or marking of permit required confined spaces such as, but not limited to: chicken chiller and tenderizer tumbler. This condition was noted on or about 10/31/07 and could result in serious injury from moving parts, engulfment, or oxygen deficiency hazards from employees entering the permit required confined space.

<b>Date By Which Violation Must be Abated:</b>	04/22/2008
<b>Proposed Penalty:</b>	\$ 5000.00

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

IAC 875 - Chapter 10

1910.157(c)(4): Portable fire extinguishers were not maintained in a fully charged and operable condition:

- (a) Chicken Cut Up - Fire extinguisher needed to be recharged. This condition was noted on or about 10/31/07 and could result in serious injury due to smoke and fire related hazards.

<b>Date By Which Violation Must be Abated:</b>	04/22/2008
<b>Proposed Penalty:</b>	\$ 3500.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

- (a) Facility wide - Employees were not trained on the use of fire extinguishers. This condition was noted on or about 10/31/07 and could result in serious smoke/fire related injury.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 3500.00</b>

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

IAC 875 - Chapter 10

1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by rotating parts:

- (a) Chicken Chiller - Employees were exposed to rotating parts on the chicken chiller. This condition existed on or about 10/31/07 and could result in serious injuries to employees from rotating parts.
- (b) Tripe room - Pivoting gut dumper was not properly guarded to protect the employees from injuries during the dump cycle. This condition was noted on or about 11/05/07 and could result in serious injuries.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311615652  
**Inspection Dates:** 10/31/2007 -  
**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

- (a) Deveining Dept. - Transfer belt drive end was not protected by enclosing shaft completely.
- (b) Beef Salting Transfer Belt - Transfer belt drive end was not protected by enclosing shaft completely.

These conditions existed on or about 11/05/07 and could result in cuts, lacerations, and amputation injuries.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 5000.00

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

IAC 875 - Chapter 10

1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

- (a) Chicken Cutup - Flexible cord was used as permanent wiring. This condition was noted on or about 10/31/07 and could result in serious injury.

**Date By Which Violation Must be Abated:** Corrected During Inspection  
**Proposed Penalty:** \$ 5000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311615652  
**Inspection Dates:** 10/31/2007 -  
**Issuance Date:** 03/06/2008

**Citation and Notification of Penalty**

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.303(f): Each service, feeder and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

- (a) Lift Station - Electrical circuit breakers for branch circuits were not marked or identified as to their purpose. This condition was noted on or about 10/31/07 and could result in serious injury.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 5000.00

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

IAC 875 - Chapter 10

1910.305(b)(1)(ii): Unused openings in boxes, cabinets, or fittings were not effectively closed:

- (a) Lift Station - Opening in an electrical panel box was not effectively closed. This condition was noted on or about 10/31/07 and could result in a serious injury.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311615652  
**Inspection Dates:** 10/31/2007 -  
**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.305(j)(2)(iv): Receptacles installed in wet or damp locations were not suitable for the location:

- (a) Chicken cutup - Receptacles used in a wet and damp location had damaged receptacle covers. This condition was noted on or about 10/31/07 and could result in electrical shock and/or electrocution.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

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

IAC 875 - Chapter 10

1910.1200(f)(5)(ii): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

- (a) Chicken cutup - The employer failed to identify chemicals with hazards associated with the chemical. Chemicals include, but are not limited to: Acid Quat Sanitizer and Buffered Peprone. This condition was noted on or about 10/31/07 and could result in serious injury to employees.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311615652  
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**Issuance Date:** 03/06/2008

**Citation and Notification of Penalty**

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.1200(h)(1): Employees were not provided information and training as specified in 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

- (a) Facility wide - Employees were not trained in hazard communication on the hazardous chemicals in their work area. The chemicals include, but are not limited to: Acid Quat Sanitizer and Buffered Peptone. This condition was noted on or about 10/31/07 and could result in serious illness or injury.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2500.00

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**Iowa Division of Labor Services**  
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**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

### Citation 2 Item 1 Type of Violation: **Repeat**

IAC 875 - Chapter 10

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:

- (a) Facility wide - The employer did not conduct periodic inspection of energy control procedures. This condition was noted on or about 10/31/07 and could result in serious injury.

AGRIPROCESSORS WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (1910.147 (c)(6)(i)) WHICH WAS CONTAINED IN IOSH INSPECTION NUMBER 308260702, CITATION NUMBER 1, ITEM NUMBER 1b, ISSUED ON 10/11/2005, WITH RESPECT TO A WORKPLACE LOCATED AT 220 WEST STREET, POSTVILLE, IOWA 52162.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 25000.00</b>

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**Iowa Division of Labor Services**  
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**Inspection Dates:** 10/31/2007 -  
**Issuance Date:** 03/06/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

#### Citation 2 Item 2 Type of Violation: **Repeat**

IAC 875 - Chapter 10

1910.147(c)(7)(i): The employer did not provide training to ensure that employees acquired the knowledge and skills required for the safe application, usage and removal of energy control devices:

- (a) Facility wide - The employer failed to provide lockout tagout training to employees who are authorized and required to use lockout tagout. This condition was noted on or about 10/31/07 and could result in a serious injury.

AGRIPROCESSORS WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD (1910.147 (c)(7)(i)) WHICH WAS CONTAINED IN IOSH INSPECTION NUMBER 308260702, CITATION NUMBER 1, ITEM NUMBER 2, ISSUED ON 10/11/2005, WITH RESPECT TO A WORKPLACE LOCATED AT 220 WEST STREET, POSTVILLE, IOWA 52162.

<b>Date By Which Violation Must be Abated:</b>	04/22/2008
<b>Proposed Penalty:</b>	\$ 25000.00

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### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
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### Citation 3 Item 1 Type of Violation: **Other**

IAC 875 - Chapter 4

1904.29(b)(1): A Log of all recordable work-related injuries and illnesses (OSHA Form 300 or equivalent), was not completed in the detail as required by the regulation:

- (a) Facility wide - The employer failed to properly record injury and illnesses as required by this standard. This occurred in 2004-2007.

Examples identified include, but are not limited to:

2007-010702 - Column F not completed properly (did not include the object or substance that directly injured or made person ill).

2007-010703 - Column F not completed properly (did not include the object or substance that directly injured or made person ill).

2007-010706 - Column M1 (injury) was marked and should have been marked M6 (illness).

2007-010712 - Column M1 (injury) was marked and should have been marked M6 (illness).

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 1000.00</b>

Mary L. Bryant  
IOSH Administrator

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**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

1000 East Grand  
Des Moines, IA 50319  
Phone: (515)281-3606 FAX: 515-281-7995

## PENALTY SUMMARY

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**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162  
**Issuance Date:** 03/06/2008  
**Case File/CSHO ID:** 12476 / Y1516

**Summary of Penalties for Inspection Number 311615652**

<b>Citation 1, Serious</b>	<b>= \$ 94500.00</b>
<b>Citation 2, Repeat</b>	<b>= \$ 50000.00</b>
<b>Citation 3, Other</b>	<b>= \$ 1000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$ 145500.00</b>

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Mary L. Bryant  
IOSH Administrator

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

1000 East Grand  
Des Moines, IA 50319  
Phone: (515)281-3606 FAX: 515-281-7995

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## Citation and Notification of Penalty

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**To:**  
Agriprocessors, Inc.  
and its successors  
P.O. Box 920  
Postville, IA 52162

**Inspection Number:** 311797500  
**Case File/CSHO ID:** 12476 / P6984  
**Inspection Date(s):** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

**Inspection Site:**  
220 West Street  
Postville, IA 52162

*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 describes violations of the Iowa Occupational Safety and Health Act. 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 holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Iowa Division of Labor Services at the address shown above. Please refer to the enclosed booklet which outlines your rights and responsibilities and which should be read in conjunction with this form.

**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 holidays), whichever is longer. **The penalty dollar amount(s) 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 within 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 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 3 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 Division of Labor 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 Iowa Employment Appeal Board 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.) Make your check or money order payable to "Division of Labor-IOSH". Please indicate the Inspection Number on the remittance.

IOSHA 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 violations which you do not contest, you should notify the Division of Labor promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform this office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**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 Division of Labor at the address shown above.

**Employer Responsibilities and Courses of Action Following an IOSHA Inspection** - The enclosed booklet 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 Division of Labor at the address shown above and postmarked within 15 working days (excluding weekends and holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the citation(s) issued on 03/20/2008. The conference will be held at the Division of Labor office located at 1000 East Grand, Des Moines, IA, 50319 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008-03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

Section 88.4 - Code of Iowa (2007)

88.4: The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to ammonia used as a refrigerant:

- (a) Main Plant - The piping system going to and from evaporators was not labeled as to the content, pressure, physical state, or direction of flow. A feasible and acceptable means of abatement would be to follow the International Institute of Ammonia Refrigeration Bulletin No. 114, " Guidelines for: Identification of Ammonia Refrigeration Piping and System Components". This condition was noted on or about 2/11/2008.
- (b) Main Plant Engine Room - The piping system for Compressor #4 Low Side and Compressor #8 High Side were not labeled as to the content, pressure, physical state, or direction of flow. A feasible and acceptable means of abatement would be to follow the International Institute of Ammonia Refrigeration Bulletin No. 114, " Guidelines for: Identification of Ammonia Refrigeration Piping and System Components". This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>04/15/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2500.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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 2a Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.38(d): The employer did not have and maintain an employee alarm system that complied with the requirements in 1910.165:

- (a) Entire Plant - The employee alarm system could not be heard at non-production areas such as, but not limited to: the attic and outlying buildings. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	05/06/2008
<b>Proposed Penalty:</b>	\$ 2500.00

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

IAC 875 - Chapter 10

1910.165(b)(2): The employee alarm could not be perceived above ambient noise or light levels by all employees in the affected portions of the workplace:

- (a) Entire Plant - The employee alarm system could not be heard at non-production areas such as, but not limited to: the attic and outlying buildings. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	05/06/2008
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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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**

IAC 875 - Chapter 10

1910.38(c)(2): Types of evacuation to be used in emergency circumstances were not established in the emergency action plan:

- (a) Entire Facility - Emergency evacuation routes were not posted. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>05/06/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 5000.00</b>

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

IAC 875 - Chapter 10

1910.38(e): The employer did not designate and train employees to assist in a safe and orderly evacuation of other employees:

- (a) Entire Facility - Designated and trained employees were not available. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>05/06/2008</b>
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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.38(f)(3): The employer did not review with each employee the emergency action plan with each employee covered by the plan when the plan was changed:

- (a) Entire Facility - The employer's plan changed in 2006 when the Safety Director left employment. This condition was noted on or about 2/11/2008.
- (b) Entire Facility - The employer's plan changed in 2006 when emergency evacuation routes were not posted. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 05/06/2008

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 4a Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.119(d)(2)(i)(A): Process safety information pertaining to the technology of the process did not include a block flow diagram or simplified process flow diagram:

- (a) Main Plant - The employer did not have and/or provide an up-to-date block flow diagram or simplified process flow diagram for the Anhydrous Ammonia Refrigeration system. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2500.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(d)(3)(i)(B): Process safety information pertaining to the equipment in the process did not include the piping and instrument diagrams (P&ID'S):

- (a) Main Plant - The employer did not have and/or provide up-to-date piping and instrument diagrams for the Anhydrous Ammonia Refrigeration system. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008

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 5a Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.119(e)(3)(iii): The process hazard analysis did not address the engineering and administrative controls applicable to the hazards and their interrelationship, such as, appropriate of detection methodologies to provide early warning of releases:

- (a) Main Plant - The employer's process hazard analysis did not identify the location or type of current detection methods for early warning of releases. Approximately 47,748 pounds of ammonia was used as a refrigerant. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 06/18/2008  
**Proposed Penalty:** \$ 5000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(e)(3)(vi): The process hazard analysis did not address human factors:

- (a) Main Plant - The employer's process hazard analysis did not address the consequences of human factors such as, but not limited to: improper opening or closing of valves due to mislabeled piping; inadequate line isolation prior to maintenance; cut-ins are made into lines with a deep vacuum; remote communications are disrupted; employee changes a set-point incorrectly; unauthorized employee closes valves; new designs and modifications not addressed during training; procedures were not periodically updated; and procedures did not consider the necessary response time in emergency situations. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 06/18/2008

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

IAC 875 - Chapter 10

1910.119(e)(6): The employer did not ensure after the initial process hazard analysis that the process hazard analysis was updated and revalidated at least every five (5) years by a team meeting the requirements of 1910.119(e)(4):

- (a) Main Plant - The employer's initial process hazard analysis was dated July 31, 2002 and was not updated within five years for their anhydrous ammonia refrigeration system. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 06/18/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

**Citation and Notification of Penalty**

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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 6a** Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.119(f)(3): The employer did not certify annually that the operating procedures are current and accurate:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>05/06/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2500.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(f)(4): The employer did not develop and implement safe work practices for employees and contractor employees to provide for the control of hazards during operations such as opening process equipment or piping:

- (a) Main Plant - Operating procedures for line breaking and or pump outs were not developed during the installation of new equipment between May 1, 2007 and February 11, 2008. Employees engaged in line breaking used a checklist that lacked specificity and step by step operating instructions. This violation was noted on or about 2/11/2008.
- (b) Main Plant - Operating procedures for line breaking and or tie-ins were not developed during the installation of new equipment between May 1, 2007 and February 11, 2008. Employees engaged in line breaking used a checklist that lacked specificity and step by step operating instructions. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 05/06/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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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 7a Type of Violation: **Serious**

IAC 875 - Chapter 10

29 CFR 1910.119(i)(2)(ii): The pre-startup safety review did not confirm that prior to the introduction of highly hazardous chemicals to the process, the safety, operating, maintenance, and emergency procedures were in place and were adequate:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/15/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008-03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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**Proposed Penalty:** \$ 2500.00

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

IAC 875 - Chapter 10

1910.119(i)(2)(iii): The pre-startup safety review for modified facilities did not confirm that prior to the introduction of highly hazardous chemicals to the process, the modified facility met the requirements contained in management of change, 1910.119(l):

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/15/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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 8a Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.119(i)(2)(ii): The written procedures to manage changes did not assure that the impact of the change on safety and health was addressed prior to any change:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>04/15/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2500.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008-03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(l)(2)(iii): The written procedures to manage changes did not assure that the modifications to operating procedures were addressed prior to any change:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/15/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

**Citation and Notification of Penalty**

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(l)(2)(iv): The written procedures to manage changes did not assure that the necessary time period for the change was addressed prior to any change:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/15/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008-03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(l)(4): A change covered by 1910.119(l) resulted in a change in the process safety information required by 1910.119(d) and the process information was not updated:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. Block flow diagram or simplified process flow diagram and piping and instrument diagrams (P&ID's) were not updated. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. Block flow diagram or simplified process flow diagram and piping and instrument diagrams (P&ID's) were not updated. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. Block flow diagram or simplified process flow diagram and piping and instrument diagrams (P&ID's) were not updated. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. Block flow diagram or simplified process flow diagram and piping and instrument diagrams (P&ID's) were not updated. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia. Block flow diagram or simplified process flow diagram and piping and instrument diagrams (P&ID's) were not updated. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 05/06/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

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

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(l)(5): A change covered 1910.119(l) resulted in a change in the operating procedures or practices required by 1910.119(f), and such procedures or practices were not updated:

- (a) Main Plant - The employer installed a new purger on or about 12/28/2007 under management of change document number 71000-9. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia without updated operating procedures. This condition was noted on or about 2/11/2008.
- (b) Main Plant - The employer installed spiral piping and RTU on or about 11/24/2007 under management of change document number 71000-8. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia without updated operating procedures. This condition was noted on or about 2/11/2008.
- (c) Main Plant - The employer installed an 1801 Low Temperature Compressor on or about 10/21/2007 under management of change document number 71000-7. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia without updated operating procedures. This condition was noted on or about 2/11/2008.
- (d) Main Plant - The employer installed an 1801 High Temperature Compressor on or about 9/13/2007 under management of change document number 71000-6. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia without updated operating procedures. This condition was noted on or about 2/11/2008.
- (e) Main Plant - The employer installed a High Temperature Recirculator on or about 9/1/2007 under management of change document number 71000-5. This piece of equipment was added to the existing refrigeration system using anhydrous ammonia without updated operating procedures. This condition was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 05/06/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

**Citation and Notification of Penalty**

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.119(n): The employer's emergency action plan did not include procedures for handling small releases:

- (a) Main Plant - The employer had an refrigeration system containing approximately 47,748 pounds of ammonia. This condition was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2500.00</b>

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

IAC 875 - Chapter 10

1910.120(q)(1): Employers whose employees were engaged in emergency response, no matter where it occurs, except for employees engaged in operations specified in 1910.120(a)(1)(i) through (a)(1)(iv), did not develop and implement an emergency response plan to handle anticipated emergencies prior to commencement of emergency response operations:

- (a) Main Plant - The employer had a refrigeration system that used approximately 47,748 pounds of ammonia. An employee closed multiple valves on condenser #2 to stop a leak on or about 1/30/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2500.00</b>

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008-03/19/2008  
**Issuance Date:** 03/20/2008

**Citation and Notification of Penalty**

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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 11a** Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.134(c)(1)(iii): The respirator program was not written to include fit testing procedures for tight-fitting respirators:

- (a) Main Plant - The employer's written program indicated that fit tests must be performed for tight fitting respirators but did not specify how those tests would be accomplished. A full face gas mask was required during charging of the refrigeration system. This violation was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
<b>Proposed Penalty:</b>	<b>\$ 2000.00</b>

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

IAC 875 - Chapter 10

1910.134(c)(1)(iv): The respirator program was not written to include procedures for proper use of respirators and routine and reasonably foreseeable emergency situations:

- (a) Main Plant - Employees had full face, escape, and SCBA respirators available for emergency use. The main plant used anhydrous ammonia for refrigeration. A full face gas mask was required during charging of the system. This violation was noted on or about 2/11/2008.

<b>Date By Which Violation Must be Abated:</b>	<b>04/22/2008</b>
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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.134(f)(2): The employer did not ensure that an employee using a tight-fitting facepiece respirator was fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) was used, and at least annually thereafter:

- (a) Main Plant - Employees never had fit test when they had full face, escape, and SCBA respirators available for emergency use. The main plant used anhydrous ammonia for refrigeration. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008

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

IAC 875 - Chapter 10

1910.134(l)(1): The employer did not conduct evaluations of the workplace as necessary to ensure that the provisions of the current written program were being effectively implemented:

- (a) Main Plant - Employees had full face, escape, and SCBA respirators available for emergency use. The main plant used anhydrous ammonia for refrigeration. A full face gas mask was required while charging the refrigeration system. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008 - 03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.134.(m)(1): Records of medical evaluations required by this section were not retained by the employer and made available in accordance with 1910.1020:

- (a) Main Plant - Employees had full face, escape, and SCBA respirators available for emergency use. The main plant used anhydrous ammonia for refrigeration. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008

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 12a Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.134(h)(3)(i)(B): The employer did not ensure that all respirators for emergency use were inspected at least monthly and in accordance with the manufacturer's recommendations:

- (a) Main Plant - Employees had North ten minute escape and SCBA respirators which had not been inspected in the previous year available for emergency use. The main plant used anhydrous ammonia for refrigeration. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2000.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

**Inspection Number:** 311797500  
**Inspection Dates:** 02/11/2008-03/19/2008  
**Issuance Date:** 03/20/2008

### Citation and Notification of Penalty

**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.134(k)(1)(iii): Effective, comprehensive and understandable, training was not provided at least annually and did not ensure that employees could demonstrate how to use the respirator effectively in emergency situations:

- (a) Main Plant - Employees had 3M and MSA full face, North escape, and SCBA respirators available for emergency use. The main plant used anhydrous ammonia for refrigeration. Full face gas masks were required while charging the refrigeration system. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008

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 13a Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.1030(c)(1)(iv): The Exposure Control Plan was not reviewed and/or updated annually:

- (a) Housekeeping - The exposure control plan was not updated for approximately 3-4 years for first aid responders. Deficient areas of the employer's written plan included, but are not limited to: program administrator not accurate, exposure determination not accurate, and training documentation and medical examination not described. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008  
**Proposed Penalty:** \$ 2500.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Iowa Division of Labor Services  
Occupational Safety and Health Bureau

Inspection Number: 311797500  
Inspection Dates: 02/11/2008 - 03/19/2008  
Issuance Date: 03/20/2008

### Citation and Notification of Penalty

Company Name: Agriprocessors, Inc.  
Inspection Site: 220 West Street, Postville, IA 52162

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

IAC 875 - Chapter 10

1910.1030(g)(2)(ii)(B): Annual training for employees with occupational exposure was not provided within one year of their previous training:

- (a) Laundry room area - First aid providers with occupational exposure were not provided bloodborne pathogens training in calendar years 2007 or 2008. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008

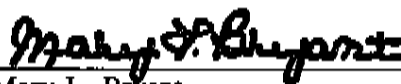
#### Citation 1 Item 13c Type of Violation: **Serious**

IAC 875 - Chapter 10

1910.1030(h)(1)(ii)(B): The medical record for an employee with occupational exposure did not include a copy of the employee's hepatitis B vaccination status, including the dates of all the hepatitis B vaccinations or any medical records relative to the employee's ability to receive vaccination as required by 29 CFR 1910.1030(f)(2):

- (a) Laundry room area - Medical records with the Hepatitis B Vaccination status was not available for the first aid providers with occupational exposure. This violation was noted on or about 2/11/2008.

**Date By Which Violation Must be Abated:** 04/22/2008



Mary L. Bryant  
IOSH Administrator

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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**Iowa Division of Labor Services**  
Occupational Safety and Health Bureau

1000 East Grand  
Des Moines, IA 50319  
Phone: (515)281-3606 FAX: 515-281-7995

## PENALTY SUMMARY

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**Company Name:** Agriprocessors, Inc.  
**Inspection Site:** 220 West Street, Postville, IA 52162  
**Issuance Date:** 03/20/2008  
**Case File/CSHO ID:** 12476 / P6984

**Summary of Penalties for Inspection Number 311797500**

**Citation 1, Serious** = \$ 36500.00  
**TOTAL PROPOSED PENALTIES** = \$ 36500.00

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Mary L. Bryant  
IOSH Administrator