



Worksheet

Wed Mar 1, 2006 1:23pm

Inspection Number	308383884
Opt. Insp. Number	

Establishment Name	Didion Milling				
Type of Violation	S Serious	Citation Number	01	Item/Group	001
Number Exposed	2	No. Instances	1	REC	C Complaint
Std. Alleged Vio.	1910.0176(b)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
5					
Abatement Documentation Required				Date Verified	

Substance Codes	
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AVD/Variable Information:	
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29 CFR 1910.176(b): Storage of material shall not create a hazard.

Shop fabricated shelving was not designed to support the weight of the intended load.

On or about 2-7-06, the shop fabricated shelving collapsed injuring an employee.

EX5

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
							2275.00
Repeat Factor		0					

Employee Exposure:			
Occupation		Employer	Didion Milling
Nr of Employees		Duration	1 year
Employee Name	<i>EX7C</i>	Frequency	5 min
Address		Phone	() -
Occupation		Employer	Didion Milling
Nr of Employees		Duration	1 year
Employee Name		Frequency	5 min
Address		Phone	() -

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
2-10-06 12:00 pm

20. Instance Description - Describe the following:
a) Hazards-Operation/Condition-Accident

Two employees were hand loading #5 rebar onto a shop fabricated rack. The height at which the employees were stacking the rebar was about 3 feet (the second level). One of the employees walked in front of the rack to pick up a piece of rebar. At which time the second level broke and released the rebar. The employee was struck by the rebar and his feet were pinned. The employee suffered broken ankles.

b) Equipment
NA.

c) Location
Rebar stacking area.

d) Injury/Illness
Broken Bones

e) Measurements
Racking system was 17' by 7.3'. It had a depth of 4'.

21. Photo Number	Location on Video
all photos	

23. Employer Knowledge :

Kurt Baird, the foreman, built the rack and instructed the employees to load it with rebar.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?
y	y	s	n	n

First Repeat	Second Repeat	Repeat Penalty
n	n	n

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	2275.00		



Citation and Notification of Penalty

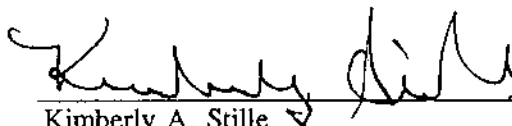
Company Name: Didion Milling
Inspection Site: 501 South Williams Street, Cambria, WI 53923

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

29 CFR 1910.176(b): Storage of material shall not create a hazard:

- a) Shop fabricated shelving was not designed to support the weight of the intended load.
- b) On or about February 7, 2006, the shop fabricated shelving collapsed injuring an employee.

Date By Which Violation Must be Abated: 03/14/2006
Proposed Penalty: \$ 2275.00



Kimberly A. Stille
Area Director

Time Commenced: 9:10

Time Completed: _____

REPORT OF INFORMAL CONFERENCE

Company Didion Milling CSHO G110 Inspection 308383884

Date of Conference: March 21, 2006 Contest Date _____

Issued Citation: March 2, 2006 Rec'd Citation _____

Representing Employer: DALE DRACHHEADS VP

GLEN SCHROEDER SAFETY

Representing Employees: _____

Representing OSHA: FW MK

Contest Period Explained: Yes/No Recommendations Reviewed: Yes/No

Items Discussed and Comments: _____

held informal - employer claimed employee
misconduct - claimed employee overloaded
shelf. Explained that employees could not overload
if capacity was not established - no way to know
what capacity was. offer penalty reduced
settlement reached

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

RECEIVED
MAR 24 2006

In the Matter of: Didion Milling
OSHA No.(s): 308383884

USDOL - OSHA
MADISON, WI 53716

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 03/02/06, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below and to provide evidence that the violations have been corrected.
2. The Employer agrees to pay the total penalty of **\$975.00**, within 15 working days following the signing of this agreement. If the penalty is not paid under the terms of this agreement, the original total proposed penalty will become due and payable immediately plus any administrative fees, interest, and penalties incurred thereafter.


This is your notification of payment due. No other statement or bill will be sent.

3. The Employer and OSHA agree that the following citations and penalties, if any, are being amended as shown below. Citations and penalties not referenced below remain unchanged.

Cit 01 Item 001 Penalty reduced to \$975.00

4. The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 3 of this agreement.
5. Each party hereby agrees to bear its own fees and expenses incurred in connection with any stage of this proceeding.
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in paragraph 3 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.
7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.


8. OSHA has jurisdiction to protect whistleblowers under 14 federal statutes. Section 11(c) of the Occupational Safety and Health Act, as well as thirteen other laws, prohibit discrimination or disparate treatment because of filing complaints or participation in protected activities. Anyone who believes that discrimination or adverse action was taken in reprisal for whistleblower protected activities can file a complaint with the OSHA office.



For the Employer

3/21/06

Date



For Occupational Safety
and Health Administration
for Kimberly A. Stille, Area Director

3 21 06

Date

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 3 of this Settlement Agreement must be mailed to the U.S. Department of Labor OSHA Office at:

Madison Area OSHA Office
4802 E. BROADWAY
MADISON, WI 53716-4141

within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations which were not amended, provided that the objection is mailed to the office shown above within the 15 working day period established by the original citation.

U.S. Department of Labor
OCCUPATIONAL SAFETY & HEALTH ADMIN.
4802 E. BROADWAY
MADISON, WI 53716-4141
Phone: (608)441-5388 FAX: (608)441-5400



Citation and Notification of Penalty

To:
Didion Milling
and its successors
501 South Williams Street
Cambria, WI 53923

Inspection Number: 308383884
Inspection Date(s): 02/10/2006- 03/01/2006
Issuance Date: 03/02/2006

Inspection Site:
501 South Williams Street
Cambria, WI 53923

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you 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.**



Citation and Notification of Penalty

Company Name: Didion Milling
Inspection Site: 501 South Williams Street, Cambria, WI 53923

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

29 CFR 1910.176(b): Storage of material shall not create a hazard:

- a) Shop fabricated shelving was not designed to support the weight of the intended load.
- b) On or about February 7, 2006, the shop fabricated shelving collapsed injuring an employee.

Date By Which Violation Must be Abated: 03/14/2006
Proposed Penalty: \$ ~~2275.00~~

\$ 975

A handwritten signature in cursive script, appearing to read "Kimberly A. Stille", is written over a horizontal line.

Kimberly A. Stille
Area Director