



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
PO Box 44600 • Olympia, Washington 98504-4600

September 19, 2022

TWO RIVERS TERMINAL LLC
TWO RIVERS TERMINAL, LLC
Po Box 475
Rupert, ID 83350

OSHA #: 1618909
Inspection: 317967997
UBI: 602341599
Region: 5-Health
Inspector ID: J1500
Reference: 209483967

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$192,620.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Employer Certification of Abatement instruction and form** - Correct all violations and return written verification or additional penalties may result.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for seven working days, whichever is longer. "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays.

Because this inspection is public information, the result will be posted online 30 days after the above date by the Department of Labor & Industries. You may view it at <https://secure.lni.wa.gov/verify>.

Please visit <https://www.lni.wa.gov/agency/public-disclosure/> if you would like to request a copy of the inspection file. Your choices are:

- Safety & Health Citation Only
- Safety & Health Brief Inspector Summary Report (short description the inspector writes to summarize the reason for the inspection only – not complete file)
- Safety & Health Detailed Inspection Summary Report (detailed summary of inspection including penalty calculation only – not complete file)
- Safety & Health Citation and Complete Inspection File (The complete legal file which contains the detailed information regarding the inspector's findings, the citation, and calculation of any penalty. This will be especially helpful if you are contemplating filing an appeal.)

If you have questions, call the compliance supervisor, Stephanie Arnold, at (360) 647-7319.

Respectfully,

L&I Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Invoice

Inspection: 317967997

UBI: 602341599
Legal Name: TWO RIVERS TERMINAL LLC
DBA Name: TWO RIVERS TERMINAL, LLC
Inspection: 13583 Wheeler Rd,
Site: Moses Lake, WA, 98837

Issued: September 19, 2022
Opening Conference: March 29, 2022
Closing Conference: September 13, 2022
Inspector ID: J1500

Summary of Assessed Penalties Due

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Serious	WAC 296-800-11010	Corrected	\$4,200.00
1-2	Serious	WAC 296-800-14020(1)	10/22/2022	\$4,200.00
1-3	Serious	WAC 296-800-15030	Corrected	\$2,100.00
1-4	Serious	WAC 296-800-16030	9/27/2022	\$2,100.00
1-5	Serious	WAC 296-800-28030(4)	Corrected	\$4,200.00
1-6	Serious	WAC 296-800-28030(7)	10/7/2022	\$4,200.00
1-7	Serious	WAC 296-800-31070(1)	Corrected	\$4,200.00
1-8	Serious	WAC 296-803-20005(5)	10/22/2022	\$4,200.00
1-9	Serious	WAC 296-803-50005(1)	Not Applicable	\$4,200.00
1-10	Serious	WAC 296-803-60005(1)	10/22/2022	\$4,200.00
1-11	Serious	WAC 296-803-70005(1)	Not Applicable	\$4,200.00
1-12	Serious	WAC 296-806-30030	Corrected	\$1,400.00
1-13	Serious	WAC 296-806-42028	Corrected	\$2,100.00
1-14	Serious	WAC 296-807-14020(1)	Corrected	\$4,200.00
1-15	Serious	WAC 296-807-14020(2)	10/7/2022	\$4,200.00
1-16	Serious	WAC 296-809-20002	10/2/2022	\$4,900.00
1-17	Serious	WAC 296-809-20004(1)	9/27/2022	\$4,900.00
1-18	Serious	WAC 296-809-30002(1)	10/22/2022	\$4,900.00
1-19a	Serious	WAC 296-809-40002(2)	10/22/2022	\$4,900.00
1-19b	Serious	WAC 296-809-40004(1)	10/22/2022	\$0.00
1-20a	Serious	WAC 296-809-50002(1)	10/22/2022	\$4,900.00
1-20b	Serious	WAC 296-809-50002(2)	Not Applicable	\$0.00
1-21a	Serious	WAC 296-809-50004(6)	Not Applicable	\$4,900.00
1-21b	Serious	WAC 296-809-50012(1)(a)	Not Applicable	\$0.00
1-22	Serious	WAC 296-809-50004(11)	Not Applicable	\$4,900.00
1-23a	Serious	WAC 296-809-50004(13)	Not Applicable	\$4,900.00
1-23b	Serious	WAC 296-809-50014(1)(a)	10/22/2022	\$0.00
1-24	Serious	WAC 296-809-50010(1)	Not Applicable	\$4,900.00
1-25	Serious	WAC 296-809-50016(1)	Not Applicable	\$4,900.00
1-26	Serious	WAC 296-809-50018(2)	Not Applicable	\$4,900.00
1-27	Serious	WAC 296-809-50020(2)	Not Applicable	\$4,900.00
1-28	Serious	WAC 296-809-50022(1)	Not Applicable	\$4,900.00
1-29	Serious	WAC 296-817-20005(1)	Not Applicable	\$4,200.00

1-30	Serious	WAC 296-817-20010	10/7/2022	\$4,200.00
1-31	Serious	WAC 296-817-20015(1)	9/27/2022	\$4,200.00
1-32	Serious	WAC 296-817-20020(2)	10/22/2022	\$4,200.00
1-33	Serious	WAC 296-817-20035(1)	10/22/2022	\$4,200.00
1-34	Serious	WAC 296-824-20005(1)	10/7/2022	\$4,200.00
1-35	Serious	WAC 296-824-30005(2)	10/22/2022	\$4,200.00
1-36a	Serious	WAC 296-824-60005(2)	10/22/2022	\$4,200.00
1-36b	Serious	WAC 296-842-13005	10/22/2022	\$0.00
1-37	Serious	WAC 296-842-15005(3)	10/22/2022	\$4,200.00
1-38	Serious	WAC 296-842-16005(4)(c)	10/22/2022	\$4,200.00
1-39	Serious	WAC 296-863-40005(2)(a)	Corrected	\$4,900.00
1-40	Serious	WAC 296-880-10005(1)	Corrected	\$3,300.00
1-41	Serious	WAC 296-880-10005(2)(a)	Corrected	\$4,200.00
1-42	Serious	WAC 296-880-10010(2)	Corrected	\$2,800.00
1-43	Serious	WAC 296-880-10015(1)	Corrected	\$4,200.00
1-44	Serious	WAC 296-880-10020(1)	10/22/2022	\$4,200.00
1-45	Serious	WAC 296-880-20005(10)	10/22/2022	\$4,200.00
1-46	Serious	WAC 296-901-14016(1)	10/22/2022	\$4,200.00
2-1	Repeat General	WAC 296-842-15005(1)(b)	10/22/2022	\$320.00
3-1	General	WAC 296-24-73505(1)	Corrected	\$0.00
3-2	General	WAC 296-27-02105(6)	Corrected	\$700.00
3-3	General	WAC 296-800-11040	10/22/2022	\$0.00
3-4	General	WAC 296-800-15035	10/22/2022	\$0.00
3-5	General	WAC 296-800-23040(2)	10/22/2022	\$0.00
3-6	General	WAC 296-800-30020	10/22/2022	\$0.00
3-7	General	WAC 296-800-30025	10/22/2022	\$0.00
3-8	General	WAC 296-817-20040(1)	Not Applicable	\$0.00
3-9	General	WAC 296-841-20005(1)	Not Applicable	\$0.00
3-10	General	WAC 296-842-10505	10/22/2022	\$0.00
3-11	General	WAC 296-842-12005(2)	10/22/2022	\$0.00
3-12	General	WAC 296-842-12010(2)	10/22/2022	\$0.00
3-13	General	WAC 296-842-12010(4)	10/22/2022	\$0.00
3-14	General	WAC 296-842-17010(1)	10/22/2022	\$0.00
3-15	General	WAC 296-842-18005(2)	10/22/2022	\$0.00
3-16	General	WAC 296-901-14012(6)	Corrected	\$0.00
<u>Total Penalty Due</u>				\$192,620.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write Inspection number 317967997 on the check and mail to:

**Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: Any L&I office**



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

UBI: 602341599

Issued: September 19, 2022

Legal Name: TWO RIVERS TERMINAL LLC

Opening Conference: March 29, 2022

DBA Name: TWO RIVERS TERMINAL, LLC

Closing Conference: September 13, 2022

Inspection Site: 13583 Wheeler Rd Moses Lake, WA 98837

Inspector ID: J1500

Site:

Violation 1 Item 1

Violation Type: Serious

WAC 296-800-11010

The employer did not use safeguards that were reasonably adequate to protect employees from rotating parts during the sulfur plant north former head cleaning procedure. The former head guard interlocked shut down and emergency stop were not working at the time of the inspection when it was observed employees were starting to remove the head to clean it. The equipment was red tagged until the interlock and emergency stop were repaired.

Employees can be seriously injured or killed by being pulled into the former machine when the guard is removed and they are working near the opening to the rotating former belt.

This violation was corrected during the inspection.

Assessed penalty: \$4,200.00

Violation 1 Item 2

Violation Type: Serious

WAC 296-800-14020(1)

The employer did not develop, supervise, implement, and enforce training on and effective use of employee personal toxic gas monitors for SO₂ and H₂S in the following instances:

- 1) An employee was observed to be wearing an expired personal monitor.
- 2) Employees were unaware of calibration and bump testing requirements.
- 3) An employee was observed to not be wearing monitors when performing sulfur transferring.

Employees can be seriously injured or killed if they are not trained properly on the maintenance and use of personal toxic gas monitors.

The following additional correction documentation is required for this violation:
Provide written program and training documentation on the use and maintenance of personal toxic monitors.

Correct by: 10/22/2022

Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 3

Violation Type: Serious

WAC 296-800-15030

The employer did not ensure that the sulfur plant had an emergency wash station that functioned correctly. Employees in this plant regularly use and transfer between containers, mineral spirits, and a petroleum based solvent. The emergency wash station was observed to have a disconnected eyewash.

Employees can have serious eye damage from exposure to these chemicals which can be made worse if the eyewash station is inoperable when needed.

This violation was corrected during the inspection.

Assessed penalty: \$2,100.00

Violation 1 Item 4

Violation Type: Serious

WAC 296-800-16030

The employer did not retrain employees to use PPE when work habits readily demonstrated that employees lack the understanding, skill, or motivation to use PPE.

- 1) Employees were observed to be wearing reading glasses or sunglasses inside the sulfur plant when working around the forming machine.
- 2) One employee was observed not to be using gloves when cleaning machine parts with mineral spirits and others pouring and spraying molykote without gloves.

Employees can suffer eye injuries from flying particles and liquid chemicals and skin injuries from chemical spills on hands when not retrained to use PPE appropriately. Employees can be injured from slips, trips, and falls or hand tools when wearing sunglasses as safety glasses indoors.

The following additional correction documentation is required for this violation:
Documentation of employees using appropriate PPE in the sulfur plant including gloves and safety eyewear.

Correct by: 9/27/2022

Assessed penalty: \$2,100.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 5

Violation Type: Serious

WAC 296-800-28030(4)

The employer did not ensure that extension cords were not used as a substitute for fixed wiring and not run through holes in walls in the following instances:

- 1) Extension cords used throughout sulfur plant for sump pumps and lighting for months.
- 2) Extension cords run through walls on west side and northeast side of sulfur plant.

Extension cords were observed to be used in a wet environment in the sulfur forming area for sump pumps and lighting for months as reported by employees. Two cases of extension cords running through holes in walls were observed as well.

Employees can be seriously injured or killed from electrocution due to degradation of the extension cords when used beyond temporary applications and through walls.

This violation was corrected during the inspection.
Assessed penalty: \$4,200.00

Violation 1 Item 6

Violation Type: Serious

WAC 296-800-28030(7)

The employer did not ensure that insulation on flexible cords and cables was intact in the following instances:

- 1) Uninsulated section of extension chord to sump pump in sulfur plant.
- 2) Uninsulated wires at top of bentonite hopper platform.

Employees can be electrocuted from exposed wiring especially in wet and outdoor environments.

The following additional correction documentation is required for this violation:
Photos of exposed wiring at top of bentonite hopper platform insulated.

Correct by: 10/7/2022
Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 7

Violation Type: Serious

WAC 296-800-31070(1)

The employer did not ensure that a working employee alarm system to warn employees of a fire or other emergencies is installed and maintained. The sulfur plant did not have air horns for emergency response alarm per interviews and facility protocol.

Employees can be seriously injured or killed if they do not have access to maintained alarm equipment during an emergency.

This violation was corrected during the inspection.

Assessed penalty: \$4,200.00

Violation 1 Item 8

Violation Type: Serious

WAC 296-803-20005(5)

The employer did not ensure that lockout tagout procedures identified equipment specific information on lockout points and verification in the following instances:

- 1) Employees entering the rail car hopper (confined space) to breakup nitrate while a conveyer was running below slits in the floor.
- 2) Confined space permit, sulfur mixing tank accessed 10/28/2021, requiring six lockout points.
- 3) Other equipment in the forming plant that do not have written LOTO procedures including the sulfur transfer station and sulfur-bentonite forming lines, the forming machine, and the pellet agitator.

Employees can be seriously injured or killed when maintaining or working around this equipment without specific lockout tagout procedures to prevent exposure to hazardous energy.

The following additional correction documentation is required for this violation:
Procedures for all applicable equipment in the sulfur plant and rail car hopper must be provided in complete energy control work plan.

Correct by: 10/22/2022

Assessed penalty: \$4,200.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 9

Violation Type: Serious

WAC 296-803-50005(1)

The employer did not ensure that employees used energy control procedures to protect employees servicing or maintaining machines and equipment from potentially hazardous energy in the following instances:

- 1) Employees entering the rail car hopper (confined space) to breakup nitrate while a conveyer was running below slits in the floor.
- 2) Confined space permit, sulfur mixing tank accessed 10/28/2021, requiring six lockout points.
- 3) Reported cleaning of the forming machine and replacement of bearings on the pellet agitator.

Employees can be seriously injured or killed when maintaining or working around this equipment without using lockout tagout procedures to prevent exposure to hazardous energy.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 10

Violation Type: Serious

WAC 296-803-60005(1)

The employer did not provide and document employee training on the purpose and function of the energy control program to have the knowledge and skills necessary to carry out their program responsibilities in the following cases:

- 1) Employees entering the rail car hopper (confined space) to breakup nitrate while a conveyer was running below slits in the floor.
- 2) Confined space permit, sulfur mixing tank accessed 10/28/2021, requiring six lockout points.
- 3) Reported cleaning of the forming machine and replacement of bearings on the pellet agitator.

Two employees were missing training and all others did not effectively use procedures when performing lockout. Training consisted of 30 minute monthly safety meetings where multiple safety topics were discussed.

Employees can be seriously injured or killed when exposed to hazardous energy as a result of not being properly trained in the energy control program.

The following additional correction documentation is required for this violation:
Provide training records for all affected employees and authorized employees once all equipment is identified and procedures drafted.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Violation 1 Item 11

Violation Type: Serious

WAC 296-803-70005(1)

The employer did not conduct annual reviews to ensure employees know and can apply energy control procedures and correct any deviations identified. Employees did not use the existing LOTO permit procedure in the written program for tasks requiring lockout.

Employees can be seriously injured or killed if it is not verified that they are using procedures in the energy control program correctly.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.
Assessed penalty: \$4,200.00



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Violation 1 Item 12

Violation Type: Serious

WAC 296-806-30030

The employer did not ensure rough cut projecting shaft ends were guarded in one instance on the rail conveyer system. An exposed shaft at ankle height adjacent to the conveyer platform was observed while the conveyer was running. The shaft end is rough cut, posing a potential to snag clothing and pull an employee into the conveyer.

Employees could be seriously injured by being caught in the exposed shaft on the conveyer.

This violation was corrected during the inspection.

Assessed penalty: \$1,400.00

Violation 1 Item 13

Violation Type: Serious

WAC 296-806-42028

The employer did not ensure nip points were guarded in the following instances on the rail conveyer system:

- 1) Unguarded roller and belt underneath the conveyer hopper on the northeast end where ammonium nitrate spillage was removed.
- 2) Unguarded roller and belt underneath the conveyer hopper on the southeast end where ammonium nitrate spillage was removed.
- 3) Unguarded roller and belt underneath the conveyer on the west side at head height where employees walk.
- 4) Unguarded belt at top of conveyer on the west side.

Employees could be seriously injured or killed by being caught between the exposed rollers and belts on the conveyer.

This violation was corrected during the inspection.

Assessed penalty: \$2,100.00



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Violation 1 Item 14

Violation Type: Serious

WAC 296-807-14020(1)

The employer did not ensure air pressure was reduced to less than 30 PSI when cleaning with compressed air. Employees use compressed air to clean the sulfur plant former machine heads multiple times per shift.

Employees can be blinded by projectiles when using compressed air at greater than 30 PSI.

This violation was corrected during the inspection.

Assessed penalty: \$4,200.00

Violation 1 Item 15

Violation Type: Serious

WAC 296-807-14020(2)

The employer did not ensure the use of effective chip guarding when cleaning with compressed air. Employees use compressed air to clean the sulfur plant former machine heads multiple times per shift.

Employees can be blinded by projectiles when using compressed air to clean without the use of chip guarding.

The following additional correction documentation is required for this violation:

Photo evidence of the chip guarding. Effective chip guarding means any method or equipment that protects the eyes and skin of the cleaner and other workers from flying chips or particles.

Examples include:

A protective cone around the nozzle to protect the cleaner.

Barriers, baffles, or screens to protect other workers.

Correct by: 10/7/2022

Assessed penalty: \$4,200.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 16

Violation Type: Serious

WAC 296-809-20002

The employer did not identify all permit required confined spaces in the following instances:

- 1) Rail cars or the rail car area, where employees would enter rail cars from top hatches to breakup ammonium nitrate into a hopper below.
- 2) Rail conveyer hopper, where employees would enter from a floor level hatch to breakup ammonium nitrate for it to pass through slits to fall onto a conveyer belt.
- 3) Two sulfur mixing tanks, where an employee entered to repair an agitator.

Employees can be seriously injured or killed if they enter confined spaces without realizing it due to lack of notification on relevant program elements because the spaces have not been identified.

The following additional correction documentation is required for this violation:
Provide documentation in written program that all confined spaces on site have been identified.

Correct by: 10/2/2022
Assessed penalty: \$4,900.00

Violation 1 Item 17

Violation Type: Serious

WAC 296-809-20004(1)

The employer did not inform affected employees about the existence and danger of confined spaces through the use of signs or other effective means in the following instances:

- 1) Rail cars or the rail car area, where employees would enter rail cars from top hatches to breakup ammonium nitrate into a hopper below.
- 2) Rail conveyer hopper, where employees would enter from a floor level hatch to breakup ammonium nitrate for it to pass through slits to fall onto a conveyer belt.
- 3) Two sulfur mixing tanks, where an employee entered to repair an agitator.

Employees can be seriously injured or killed if they enter confined spaces without realizing it because entry points do not have posted signage and employees are not otherwise notified.

The following additional correction documentation is required for this violation:
Photo documentation that rail car area and sulfur tanks are labeled as confined spaces.

Correct by: 9/27/2022
Assessed penalty: \$4,900.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 18

Violation Type: Serious

WAC 296-809-30002(1)

The employer did not document entry procedures and did not designate employees that have active roles in the confined space program including; attendants, competent persons, entrants, entry supervisors, rescuers, program administrator, or those who test or monitor the atmosphere in a permit required space.

Permit required confined space entry occurred in the rail cars, rail conveyer hopper, aqua scrubber, and sulfur mixing tank in the past 6 months. Deficiencies were identified in all of these entries resulting from a lack of designated employee roles and a lack of procedures outlining safe work practices for employees to follow.

By not establishing entry procedures and not designating employee roles in the written program, tasks during confined space entry may be performed by unqualified personnel and unsafe practices may be implemented leading to serious injuries or death.

The following additional correction documentation is required for this violation:
Establish confined space entry procedures and designated employee roles in the written program.

Correct by: 10/22/2022
Assessed penalty: \$4,900.00

Violation 1 Item 19a

Violation Type: Serious

WAC 296-809-40002(2)

The employer did not ensure that confined space entry training was provided to each affected employee before an employee is first assigned to their duties. There were two employees who were observed as entrants while CSHOs were on site and one employee listed on a permit as an attendant. These three employees do not have training records.

Employees can be seriously injured or killed from confined space entry without effective training prior to being assigned their duties.

The following additional correction documentation is required for this violation:
Confined space entry training records for all employees.

Correct by: 10/22/2022
Assessed penalty: \$4,900.00



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Violation 1 Item 19b

Violation Type: Serious

WAC 296-809-40004(1)

The employer did not certify employee proficiency in their assigned duties for confined space entry. Only one confined space entry training quiz record was provided and this employee signed off as the trainee and trainer. At least six employees are known to have participated in confined space entry activities.

Employees can be seriously injured or killed during confined space entry operations if it is not certified that they can retain and apply training content.

The following additional correction documentation is required for this violation:
Provide documentation of certifying employee proficiency in confined space entry.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

Correct by: 10/22/2022
Assessed penalty: Included in Violation 1 Item 19A

Violation 1 Item 20a

Violation Type: Serious

WAC 296-809-50002(1)

The employer did not identify and evaluate potential hazards from permit required confined spaces and the work to be performed prior to employees entering spaces. Hazard assessments were not provided for documented confined space entries in the rail conveyer hopper, rail cars, sulfur mixing tank, and aqua ammonia scrubber.

Employees can be seriously injured or killed from entry into permit required confined spaces if potential hazards have not been systematically identified beforehand.

The following additional correction documentation is required for this violation:
Completed hazard assessments for all confined spaces on site.

Correct by: 10/22/2022
Assessed penalty: \$4,900.00

Citation and Notice of Assessment
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Inspection: 317967997

Violation 1 Item 20b

Violation Type: Serious

WAC 296-809-50002(2)

The employer did not ensure entry permits were completed before confined space entry was performed to document that the means, procedures, and practices necessary for safe entry and work are complete. Permits were not provided for confined space entry into rail cars and the rail conveyer hopper.

Employees can be seriously injured or killed by entering confined spaces without permits in place to ensure safe entry.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.
Assessed penalty: Included in Violation 1 Item 20A

Violation 1 Item 21a

Violation Type: Serious

WAC 296-809-50004(6)

The employer did not use confined space entry permits that contained results of initial and periodic tests performed to evaluate and identify the hazards and conditions of the space for the Sulfur Mixing Tank.

The 10/28/2021 Sulfur Mixing Tank permit listed oxygen deficiency and combustible atmospheres as hazards of the space but did not test for these parameters. A BW Clip, personal monitor for SO₂ and H₂S, was listed as the test instrument and was the only testing performed as confirmed by the entrant. A 4 gas meter was not used during entry.

Employees can be seriously injured or killed from toxic, combustible, and oxygen deficient atmospheres if testing for these parameters is not performed prior and during confined space entry.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.
Assessed penalty: \$4,900.00

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Inspection: 317967997

Violation 1 Item 21b

Violation Type: Serious

WAC 296-809-50012(1)(a)

The employer did not test confined spaces for atmospheric hazards including oxygen and combustible gases and vapors for the Aqua Ammonia Scrubber and the Sulfur Mixing Tank in the following instances:

- 1) The 1/25/2022 Aqua Scrubber permit did not list test results or the tester signature and listed that ammonia vapors were a hazard involved.
- 2) The 10/28/2021 sulfur Mixing Tank permit listed oxygen deficiency and combustible atmospheres as hazards of the space but did not test for these parameters. A BW Clip, personal monitor for SO₂ and H₂S, was listed as the test instrument so a 4 gas meter was not used during entry.

Employees can be seriously injured or killed from toxic, combustible, and oxygen deficient atmospheres if testing for these parameters is not performed prior and during confined space entry.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: Included in Violation 1 Item 21A

Violation 1 Item 22

Violation Type: Serious

WAC 296-809-50004(11)

The employer did not use confined space entry permits that contained communication procedures for the Aqua Ammonia Scrubber and the Sulfur Mixing Tank in the following instances:

- 1) The 1/25/2022 Aqua Scrubber permit did not list communication methods.
- 2) The 10/28/2021 Sulfur Mixing Tank permit did not list communication methods.

Employees can be seriously injured or killed from atmospheric, hazardous energy, and fall hazards if communication procedures are not established prior to confined space entry.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 23a

Violation Type: Serious

WAC 296-809-50004(13)

The employer did not use confined space entry permits that contained rescue and emergency contact information for the Aqua Ammonia Scrubber and the Sulfur Mixing Tank in the following instances:

- 1) The 1/25/2022 Aqua Scrubber permit did not list emergency contact information.
- 2) The 10/28/2021 Sulfur Mixing Tank permit did not list emergency contact information.

Employees can be seriously injured or killed from delayed rescues due to atmospheric, hazardous energy, and fall hazards if emergency contacts are not established prior to confined space entry.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00

Violation 1 Item 23b

Violation Type: Serious

WAC 296-809-50014(1)(a)

The employer did not ensure adequate rescue and emergency services were available during permit required confined space entry in the following instances:

- 1) The 1/25/2022 Aqua Scrubber permit did not list emergency contact information.
- 2) The 10/28/2021 Sulfur Mixing Tank permit did not list emergency contact information.
- 3) Emergency services were not contacted prior to rail car entries.
- 4) Emergency services were not contacted prior to rail conveyer entries.

Employees can be seriously injured or killed from delayed rescues due to atmospheric, hazardous energy, and fall hazards if emergency services are not established and notified prior to confined space entry.

The following additional correction documentation is required for this violation:
Establish emergency services in written program. Note: Moses Lake fire departments confirmed with CSHO that they are not prepared for confined space entry rescue.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

Correct by: 10/22/2022

Assessed penalty: Included in Violation 1 Item 23A

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 24

Violation Type: Serious

WAC 296-809-50010(1)

The employer did not provide the necessary equipment to employees performing confined space entry into the rail conveyer hopper including testing/monitoring equipment, ventilation, communication devices, PPE, and ladders. Employees were observed to be breaking up ammonium nitrate inside the conveyer hopper without monitoring equipment, ventilation, radios, ladders, and suitable PPE.

Employees can be seriously injured or killed from atmospheric hazards and hazardous energy without the equipment necessary to safely enter confined spaces.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00

Violation 1 Item 25

Violation Type: Serious

WAC 296-809-50016(1)

The employer did not use nonentry rescue systems or methods whenever possible for employees entering rail cars, which are permit required confined spaces. Multiple employees reported vertically entering rail cars regularly to breakup ammonium nitrate into the rail car hopper below without confined space entry safe work practices including the use of nonentry rescue systems.

Employees can be seriously injured or killed if rescue is hindered by a lack of nonentry rescue systems. Employees outside of the confined space may be seriously injured or killed if they enter the space to rescue entrants.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 26

Violation Type: Serious

WAC 296-809-50018(2)

The employer did not ensure that a supervisor oversaw confined space entry operations for employees entering the rail conveyer hopper, a permit required confined space. Multiple employees entered the rail car hopper daily without a supervisor overseeing entry operations.

Employees can be seriously injured or killed if entry is not monitored by a supervisor who is qualified to ensure entry is safe at all times.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00

Violation 1 Item 27

Violation Type: Serious

WAC 296-809-50020(2)

The employer did not ensure attendants understood the hazards they may face during confined space entry including the mode, signs or symptoms, and results of exposure to the hazards. Multiple employees attended confined space entry of the rail car hopper daily and did not recognize the hazards including limited access, health effects of the ammonium nitrate, and getting caught by the conveyer running along the floor.

Employees can be seriously injured or killed if attendants cannot identify the hazards of the space presented during entry to initiate rescue.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 28

Violation Type: Serious

WAC 296-809-50022(1)

The employer did not ensure entrants understood the hazards they may face during confined space entry including the mode, signs or symptoms, and results of exposure to the hazards. Multiple employees performed confined space entry of the rail car hopper daily and did not recognize the hazards including limited access, health effects of the ammonium nitrate, and getting caught by the conveyer running along the floor.

Employees can be seriously injured or killed if entrants cannot identify the hazards of the space presented during entry to initiate rescue.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,900.00

Violation 1 Item 29

Violation Type: Serious

WAC 296-817-20005(1)

The employer did not conduct employee noise exposure monitoring when reasonable information indicated that an employee's exposure may equal or exceed 85 dBA TWA8 for rail car unloading employees. Employees who unload solid materials from rail cars in the northeast area of the facility were observed to be using sledgehammers to dislodge solids from rail cars to the hopper below and observed using a rail car PIT to move rail cars throughout the facility. Both of these activities produced noise that could be heard at the sulfur plant and the offices.

Noise exceeding 85 dBA can cause permanent damage to employee hearing.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 30

Violation Type: Serious

WAC 296-817-20010

The employer did not control employee noise exposures that exceed 90 dBA during the following activities, as verified by dosimeter readings:

- 1) Using sledgehammers to dislodge solids from rail cars to the hopper below.
- 2) Using a rail car PIT to move rail cars throughout the facility.

Noise exceeding 85 dBA can cause permanent damage to employee hearing.

The following additional correction documentation is required for this violation:
Identify in the hearing conservation program how exceedances of 90 dBA will be controlled.

Correct by: 10/7/2022
Assessed penalty: \$4,200.00

Violation 1 Item 31

Violation Type: Serious

WAC 296-817-20015(1)

The employer did not ensure employees wear hearing protection when noise exposures exceed 85 dBA TWA8 and 115 dBA for the following activities:

- 1) Using sledgehammers to dislodge solids from rail cars to the hopper below.
- 2) Using a rail car PIT to move rail cars throughout the facility.

Noise exceeding 85 dBA can cause permanent damage to employee hearing.

The following additional correction documentation is required for this violation:
Provide photo documentation that employees are provided hearing protection and are wearing it.

Correct by: 9/27/2022
Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 32

Violation Type: Serious

WAC 296-817-20020(2)

The employer did not ensure employees receive training about noise and hearing protection when noise exposures exceed 85 dBA TWA8 for the following activities:

- 1) Using sledgehammers to dislodge solids from rail cars to the hopper below.
- 2) Using a rail car PIT to move rail cars throughout the facility.

Noise exceeding 85 dBA can cause permanent damage to employee hearing.

The following additional correction documentation is required for this violation:
Provide hearing conservation training records for employees exposed to noise levels in excess of 85 dBA TWA8.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Violation 1 Item 33

Violation Type: Serious

WAC 296-817-20035(1)

The employer did not use audiometric testing to identify hearing loss in employees to indicate program deficiencies for the following activities:

- 1) Using sledgehammers to dislodge solids from rail cars to the hopper below.
- 2) Using a rail car PIT to move rail cars throughout the facility.

Noise exceeding 85 dBA can cause permanent damage to employee hearing.

The following additional correction documentation is required for this violation:
Provide documentation that audiometric testing has been completed for applicable employees.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 34

Violation Type: Serious

WAC 296-824-20005(1)

The employer did not ensure the emergency response plan adequately addressed personnel roles and PPE for the following:

- 1) Of the five senior emergency contacts and safety managers, only one senior emergency contact still works for the company and his emergency response training was more than one year out of date.
- 2) PPE is vaguely and briefly embedded in response procedures. A separate PPE Program exists but is not referenced in the Emergency Response Plan. The PPE Program does not adequately detail the types of gloves and respiratory protection. APRs are selected for emergency response. This contradicts the NIOSH Respiratory Selection Guide.
- 3) Proper use of PPE.
- 4) Hazards created by wearing PPE.
- 5) PPE procedures detailing donning and doffing are not included.

Employees can be seriously injured or killed if they do not have updated emergency contact information in the written plan and the program does not adequately describe the proper selection and use of PPE to be implemented.

The following additional correction documentation is required for this violation:
Updated emergency response plan detailing employee roles and PPE compliant with
WAC 296-824-20005.

Correct by: 10/7/2022
Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 35

Violation Type: Serious

WAC 296-824-30005(2)

The employer did not provide emergency response refresher training annually for 11 employees. Based on training logs provided, 11 employees had out of date (>1 year from opening) or missing training records for emergency response, where employees would need to act in awareness or operator level roles during a release of ammonia, SO₂, or H₂S.

Employees can be seriously injured or killed if they react incorrectly to an emergency release of these chemicals as a result of not being recently trained.

The following additional correction documentation is required for this violation:
Provide updated emergency response refresher training for all employees who are out of date.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Violation 1 Item 36a

Violation Type: Serious

WAC 296-824-60005(2)

The employer did not select the appropriate emergency response respirators based on site hazards and unknown emergency conditions. Employees are provided full face elastomeric respirators to use during operator level response actions to a release of ammonia, SO₂, or H₂S when SCBAs should be selected for unknown/emergency conditions.

Employees can be seriously injured or killed if they use insufficient respiratory protection to respond to an emergency release of these chemicals.

The following additional correction documentation is required for this violation:
Photo documentation and training on updated emergency response respiratory protection equipment.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 36b

Violation Type: Serious

WAC 296-842-13005

The employer did not provide the appropriate respirator for emergency response based on site hazards and unknown emergency conditions. Employees are provided full face elastomeric respirators to use during operator level response actions to a release of ammonia, SO₂, or H₂S, when SCBAs should be provided for use in unknown/emergency situations.

Employees can be seriously injured or killed if they use insufficient respiratory protection to respond to an emergency release of these chemicals.

The following additional correction documentation is required for this violation:
Photo documentation of updated emergency respiratory equipment.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

Correct by: 10/22/2022
Assessed penalty: Included in Violation 1 Item 36A

Violation 1 Item 37

Violation Type: Serious

WAC 296-842-15005(3)

The employer did not use quantitative fit-test methods for full facepiece respirators requiring a protection factor of 50. Multiple employees have full facepiece respirators and the respiratory protection program lists full facepiece respirators with an APR for ammonia, SO₂, and H₂S.

Employees are expected to respond to emergency leaks of SO₂, H₂S, and NH₃ in an operations capacity, potentially exposing them to IDLH conditions. One fit test record provided was for a full face respirator and was fit tested with irritant smoke, which can only test for a protection factor of 10.

Employees can be injured if they use a respirator assuming it has been fitted to its assigned protection factor when it has been fitted to a lower protection factor.

The following additional correction documentation is required for this violation:
Provide quantitative fit test records for employees expected to wear full face respirators.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 38

Violation Type: Serious

WAC 296-842-16005(4)(c)

The employer did not provide effective training on respiratory protection as employees have not retained knowledge or skills. Numerous respirator deficiencies were apparent on site including storage, cleaning, and lack of use of respiratory protection.

Employees are expected to respond to emergency leaks of SO₂, H₂S, and NH₃ in an operations capacity, potentially exposing them to IDLH conditions. Employees were trained in November 2021 in an ineffective safety meeting format where respiratory protection and fall protection were both covered in meetings reported to last 30 minutes.

Employees can be injured from inhalation exposures due to ineffective respirator use as a result of poor training measures.

The following additional correction documentation is required for this violation:
Provide updated and effective respiratory protection training.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Violation 1 Item 39

Violation Type: Serious

WAC 296-863-40005(2)(a)

The employer did not ensure that employees were not allowed under the elevated part of any PIT, whether it is loaded or empty. A sulfur plant operator would regularly reach under a one ton load (supersack) of bentonite to cut the bag to load the sulfur process hopper.

Employees can be seriously injured or killed if the PIT load is adjusted or the straps to the load fail crushing the employee or knocking them into the hopper.

This violation was corrected during the inspection.
Assessed penalty: \$4,900.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 40

Violation Type: Serious

WAC 296-880-10005(1)

The employer did not ensure that all surfaces on which employees walk are structurally sound and will support them safely. A section of grating at the top of the conveyer platform adjacent to the controls approximately 2.5x2ft was missing and covered by a wooden pallet, exposing employees who adjust the conveyer controls to approximately a 12 foot fall.

Employees could be seriously injured or killed from stepping and falling through the pallet when going to adjust the conveyer controls.

This violation was corrected during the inspection.

Assessed penalty: \$3,300.00

Violation 1 Item 41

Violation Type: Serious

WAC 296-880-10005(2)(a)

The employer did not inspect all components of personal fall arrest systems prior to each use according to manufacturers recommendations. An employee was observed to be using a harness on a genie lift to inspect the sulfur storage tank. The harness and lanyard had no inspections record and had visible signs of wear and rust.

Employees can be seriously injured or killed from falls due to failure of PFAS's components resulting from a lack of inspection.

This violation was corrected during the inspection.

Assessed penalty: \$4,200.00

Violation 1 Item 42

Violation Type: Serious

WAC 296-880-10010(2)

The employer did not guard open sump pump holes that employees could step into with covers of standard strength in the following instances:

- 1) Three exposed sump pump holes were observed in the floor of the sulfur plant in walkway areas where employees could have easily stepped into them.
- 2) Two exposed holes in the ground in the sulfur transfer area.

An employee could break their foot or ankle stepping into these holes.

This violation was corrected during the inspection.

Assessed penalty: \$2,800.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 43

Violation Type: Serious

WAC 296-880-10015(1)

The employer did not provide fall protection training for employees that were working at heights that required them to demonstrate an understanding of the material and demonstrate the ability to use fall protection properly in the following instances:

- 1) Using a Genie lift at varying heights including to check a 10 ft tall tank.
- 2) On top of rail cars and tanker trucks over 10 feet in height without training on fall protection work plan elements.

Training records for employees consist of a monthly 30 minute safety meeting held in November 2021 where fall protection and respiratory protection was covered. These meetings are reported to be in a powerpoint format with no tests or hands on activities.

Employees can be seriously injured or killed if they do not have training that ensures they understand and can use fall protection properly.

This violation was corrected during the inspection.

Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 1 Item 44

Violation Type: Serious

WAC 296-880-10020(1)

The employer did not develop a fall protection work plan for areas of the facility where employees are assigned and fall hazards of 10 or more feet exist in the following instances:

- 1) Four employees reported accessing the top of rail cars to break up solidified ammonium nitrate inside. No fall protection used.
- 2) One employee was observed using the Genie lift to check the level in the 10 ft high sulfur tank. They were using the PFAS connected to the genie lift. It was not inspected and had visible deficiencies requiring it to be removed from service. Another employee reported using this Genie lift to access the top of the sulfur trucks to connect the air line.

No fall protection work plans could be provided for these activities.

Employees can be seriously injured or killed if fall protection work plans are not established to ensure adequate procedures and controls are in place to protect employees from fall hazards.

The following additional correction documentation is required for this violation:
Filled out fall protection workplan.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 1 Item 45

Violation Type: Serious

WAC 296-880-20005(10)

The employer did not ensure that employees exposed to fall hazards of four feet or more to the ground or lower level from vehicles or rolling stock on which employees must be located in order to perform their job duties are protected by fall arrest systems. This was observed in the following instances:

- 1) Four employees reported accessing the top of rail cars to break up solidified ammonium nitrate inside. No fall protection used. Evidence of employees working over open rail car hatches in a separate area of the plant was observed by CSHOs.
- 2) Four employees reported going on top of one type of sulfur truck that required connecting the air hose from the top of the truck. One employee reportedly fell and broke their foot doing this two years ago. No fall protection used.

Employees can be seriously injured or killed from falls when working on rolling stock at heights greater than four feet.

The following additional correction documentation is required for this violation:
Documentation of fall protection measures for trucks and rail cars.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00

Violation 1 Item 46

Violation Type: Serious

WAC 296-901-14016(1)

The employer did not provide employees with effective information and training on hazardous chemicals in their work area. Employees had limited knowledge of the hazard communication program and did not use labeled containers for regularly used chemicals.

Employees can be injured from exposure to chemicals due to deficient hazard communication training.

The following additional correction documentation is required for this violation:
Provide updated hazard communication training records for all employees.

Correct by: 10/22/2022
Assessed penalty: \$4,200.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 2 Item 1

Violation Type: Repeat General

WAC 296-842-15005(1)(b)

The employer did not provide annual fit tests for employees required to use full facepiece respirators. Multiple employees have full facepiece respirators and the respiratory protection program lists full facepiece respirators with an APR for ammonia, SO₂, and H₂S. One fit test record provided was from April 2019.

Employees can be injured if they use a respirator that has not been verified to fit annually due to leakage around the seal.

The following additional correction documentation is required for this violation:
Fit test records for all applicable employees.

The violation above is cited as a repeat of Violation 1-1, cited on Citation and Notice 317953738 issued on 4/18/2019. You must provide proof of correction by the correction date shown below. Failure to meet this date may result in penalties.

Correct by: 10/22/2022
Assessed penalty: \$320.00

Violation 3 Item 1

Violation Type: General

WAC 296-24-73505(1)

The employer did not ensure that passageways in the sulfur plant were maintained in a dry condition to the extent feasible. Standing water was observed in the sulfur plant walkways due to process water, surrounding ground runoff, roof leaks, and ineffective sump pumps.

Employees can slip and fall seriously injuring themselves on the wet concrete floor.

This violation was corrected during the inspection.
Assessed penalty: \$0.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 2

Violation Type: General

WAC 296-27-02105(6)

The employer did not post the OSHA 300A log annual summary prior to February 1, 2022. The 300A log was not observed to be posted in any of the employee common areas during the initial site visit.

Employees need to be notified of the injuries incurred at the work site to improve site awareness and prevent repeated injuries.

**This violation was corrected during the inspection.
Assessed penalty: \$700.00**

Violation 3 Item 3

Violation Type: General

WAC 296-800-11040

The employer did not control chemical agents in a manner that they would not present a hazard to workers regarding exposure to elemental sulfur all over the ground in the sulfur transfer area. Skin contact with elemental sulfur from handling boots and clothing can cause skin irritation and dermatitis.

The following additional correction documentation is required for this violation:
Photo documentation that molten sulfur has been cleaned up around transfer area to minimize employee contact.

**Correct by: 10/22/2022
Assessed penalty: \$0.00**



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 4

Violation Type: General

WAC 296-800-15035

The employer did not ensure that emergency wash stations are activated weekly to check the proper functioning of the valves, hardware, and availability of water. The sulfur plant emergency wash stations did not have an eyewash component for months prior to the opening, which weekly activation checks would have identified and fixed. Employees in this plant regularly use and transfer between containers, mineral spirits, and a petroleum based solvent. Other employees manage ammonia transferring and mixing on site.

Employees can have serious eye damage from exposure to these chemicals, which can be made worse if eyewash stations are inoperable when needed due to a lack of weekly activation checks.

The following additional correction documentation is required for this violation:
Four weeks of eyewash inspection records after C&N is received.

Correct by: 10/22/2022
Assessed penalty: \$0.00

Violation 3 Item 5

Violation Type: General

WAC 296-800-23040(2)

The employer did not ensure eating areas are healthy and food is not stored in areas exposed to toxic substances. The employee breakroom in the sulfur plant was observed to have dust on all items and surfaces and PPE contaminated with elemental sulfur, an irritant that can cause dermatitis. Employees keep their lunches and drinks in this room and in the refrigerator.

Employees can get dermatitis from incidental skin contact and elemental sulfur ingestion can cause burning and diarrhea.

The following additional correction documentation is required for this violation:
Documented procedures to reduce tracking of elemental sulfur into eating areas.

Correct by: 10/22/2022
Assessed penalty: \$0.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 6

Violation Type: General

WAC 296-800-30020

The employer did not ensure that portable fire extinguishers are visually inspected monthly. The fire extinguishers in the main office, scale hours, and sulfur plant had not been inspected for 5 months or more based on the inspection tags.

Employees can be seriously injured or killed when fire extinguishers fail during emergency use as a result of failure to conduct monthly inspections.

The following additional correction documentation is required for this violation:
Provide monthly fire extinguisher check documentation for month after receipt of C&N.

Correct by: 10/22/2022
Assessed penalty: \$0.00

Violation 3 Item 7

Violation Type: General

WAC 296-800-30025

The employer did not train employees or did not provide effective training to employees on the use of portable fire extinguishers in incipient stage firefighting. Employees interviewed stated they were expected to use fire extinguishers but could not recall when they had been trained on them, even though training records showed they had been trained two months prior to questioning. Four employees were not trained within one year of the opening conference.

Employees can be seriously injured by a fire if they attempt to use a fire extinguisher to fight an incipient fire and are not properly trained.

The following additional correction documentation is required for this violation:
Provide employee fire extinguisher training records.

Correct by: 10/22/2022
Assessed penalty: \$0.00

Citation and Notice of Assessment
Citación por Infracción y Multa Civil
Inspection: 317967997

Violation 3 Item 8

Violation Type: General

WAC 296-817-20040(1)

The employer did not document noise exposure measurements and retain those records for at least two years and for as long as they are relied on to determine employee exposure. Noise screening was reported to have been done for the sulfur plant to verify that hearing protection was not required. However, records of this were unable to be provided.

Noise exposure data must be maintained to ensure that any changes to the facility or conditions initiate rescreening to prevent employee overexposure to noise.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00

Violation 3 Item 9

Violation Type: General

WAC 296-841-20005(1)

The employer did not conduct exposure evaluations to determine or reasonably estimate employee exposures above a PEL in the following instances:

- 1) Dust in the sulfur plant.
- 2) SO₂ in the sulfur plant.
- 3) H₂S in the sulfur plant.
- 4) Ammonia in the transfer and storage areas.

No exposure monitoring records could be provided and employees did not recall sampling ever being performed. Employees have personal monitors for SO₂, H₂S, and NH₃ but the data has not been evaluated.

Employees were monitored for these parameters and found to be below the WAC 296-841-20025 PELs. Sample results are limited to the times and conditions collected and can vary.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$0.00



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Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 10

Violation Type: General

WAC 296-842-10505

The employer did not designate a program administrator to implement the respiratory protection program. No program administrator was identified in the written program and as a result employee respirator use is inconsistent due to a lack of sufficient direction and training.

Employees can be injured due to improper respiratory protection use as a result of a lack of direction in the absence of a program administrator.

The following additional correction documentation is required for this violation:
Identify respirator program administrator and include in written program.

Correct by: 10/22/2022
Assessed penalty: \$0.00

Violation 3 Item 11

Violation Type: General

WAC 296-842-12005(2)

The employer did not maintain the effectiveness of the respiratory protection program by ensuring procedures are followed, employees are monitored, and employee feedback is solicited. Numerous inconsistencies between on site observations and what is written in the program were observed.

Employees can be injured from exposure to airborne compounds on site including dust, ammonia, SO₂, and H₂S without an effective respiratory protection program.

The following additional correction documentation is required for this violation:
Provide updated written respiratory protection program.

Correct by: 10/22/2022
Assessed penalty: \$0.00



Post This Document

Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 12

Violation Type: General

WAC 296-842-12010(2)

The employer did not keep employee fit test records. Only one employee's fit test records could be provided. Five other employees are known to have elastomeric respirators and use them.

Employees can be injured from exposure to airborne compounds on site including dust, ammonia, SO₂, and H₂S without confirmation that respirators fit adequately to protect from exposures, as documented with fit test records.

The following additional correction documentation is required for this violation:
Provide updated employee fit testing records.

Correct by: 10/22/2022
Assessed penalty: \$0.00

Violation 3 Item 13

Violation Type: General

WAC 296-842-12010(4)

The employer did not keep employee medical evaluation records. Only one employee's medical evaluation record could be provided. Five other employees are known to have elastomeric respirators and use them.

Employees can be injured from use of their respirator without confirmation that they are medically fit to wear a respirator, as confirmed through medical evaluation records.

The following additional correction documentation is required for this violation:
Provide updated employee respirator medical records.

Correct by: 10/22/2022
Assessed penalty: \$0.00



Post This Document

Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 14

Violation Type: General

WAC 296-842-17010(1)

The employer did not ensure that respirators are stored properly to protect them from sunlight or extreme temperatures. Most employees interviewed stated that they kept their respirators in their vehicles where they are subject to temperature extremes and sunlight.

Employees can be injured if they use their respirators and they do not function properly due to inadequate storage conditions causing wear and deformation.

The following additional correction documentation is required for this violation:
Provide documentation of suitable storage location for employee respiratory protection.

Correct by: 10/22/2022
Assessed penalty: \$0.00

Violation 3 Item 15

Violation Type: General

WAC 296-842-18005(2)

The employer did not ensure that employees do not use respirators if employees have a characteristic that interferes with the respirator facepiece seal or valve function such as facial hair. Most of the employees who stated they have and use full face elastomeric respirators had facial hair.

Employees can be injured if they use their respirators and they do not seal properly due to interference from employee facial hair.

The following additional correction documentation is required for this violation:
Provide documentation that facial hair policy is being followed.

Correct by: 10/22/2022
Assessed penalty: \$0.00



Post This Document

Citation and Notice of Assessment Citación por Infracción y Multa Civil Inspection: 317967997

Violation 3 Item 16

Violation Type: General

WAC 296-901-14012(6)

The employer did not ensure that containers were labeled in accordance with the hazard communication standard detailing product identifier and words, pictures, symbols, or a combination thereof to communicate the hazards of the chemical in the following instances:

- 1) Totes of varying levels and colors of liquid.
- 2) Spray bottles of molykote and mineral spirits.

Employees can be injured from exposure to chemicals during use and releases if they do not know what the chemical is and its hazards.

This violation was corrected during the inspection.

Assessed penalty: \$0.00

Employer Certification of Abatement Instructions Inspection: 317967997

What you must do now:

- Check the correction due date(s) shown on the enclosed Employer Certification of Abatement Form. You must fully correct the hazards by these dates.
- Describe on the form how you corrected each hazard, rather than what you *intend to do* in the future. Examples:

Right: *All staff have received the required training.*

Wrong: *All staff will receive the required training next week.*

Use attachments if you need more space. Submit additional documentation of hazard correction if requested in the citation packet.

- Fill in the date you corrected the hazard and sign.
- Post a copy of the completed form for at least seven working days, or until you have corrected all violations, whichever is longer. It must be posted near the hazard location or in a place that is readily accessible by affected employees and their representatives.
- Send your completed form to the address provided.

Note: If we do not receive written confirmation you have corrected the hazards, we will take follow-up action, which may include additional penalties. If you provide us with false information, you may face criminal penalties.

If you are unable to fix the hazard(s) by the correction due date(s):

We must receive your written request for an extension **before** the correction due date(s) listed for the hazard(s). Correction due dates are shown on the enclosed Citation and Notice of Assessment and on your Employer Certification of Abatement Form(s).

Extensions are not automatically granted. To be considered for an extension, you must provide the following:

- Inspection number, employer name, telephone number, and site address.
- Violation and Item number for each requested extension.
- Correction due date on the citation and additional time needed.
- Steps taken to fix the hazard by the correction due date.
- Why you cannot correct the hazard by the correction due date.
- How you will protect your employees until you fix the hazard.

For more information, contact:

Or call: (360) 647-7319

Stephanie Arnold, Compliance Supervisor

Department of Labor and Industries

1720 Ellis Street Suite 200

BELLINGHAM, WA 98225

You must post all documentation associated with your request for extension with your citation packet. All postings must remain until you have corrected all violations, or unless you have appealed and received and posted your hearing notice.



Employer Certification of Abatement Form

Inspection: 317967997

UBI: 602341599

Issued: September 19, 2022

Legal Name: TWO RIVERS TERMINAL LLC

DBA Name: TWO RIVERS TERMINAL, LLC

Site Address: 13583 Wheeler Rd, Moses Lake, WA, 98837

You must complete this form and return it to: MIKE JOHNSON, Department of Labor & Industries
1720 Ellis Street Suite 200, BELLINGHAM, WA 98225
Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-2	Serious	WAC 296-800-14020(1)	10/22/2022
Violation Summary: Personal monitors for toxics not used properly/maintained.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature

Date



Employer Certification of Abatement Form

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Issued: September 19, 2022

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Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-4	Serious	WAC 296-800-16030	9/27/2022
Violation Summary: Employees not wearing safety glasses/gloves for sulfur plant tasks.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-6	Serious	WAC 296-800-28030(7)	10/7/2022
Violation Summary: Exposed wiring at sump pump and bentonite hopper platform.			
How you corrected the hazard ➔			
Date you corrected the hazard ➔			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-8	Serious	WAC 296-803-20005(5)	10/22/2022
Violation Summary: Missing lockout procedures for equipment in sulfur plant and rail conveyer.			
How you corrected the hazard →			
Date you corrected the hazard →			

1-10	Serious	WAC 296-803-60005(1)	10/22/2022
Violation Summary: LOTO training not effective and not provided to all employees.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-15	Serious	WAC 296-807-14020(2)	10/7/2022
Violation Summary: No chip guarding when cleaning with compressed air.			
How you corrected the hazard ➔			
Date you corrected the hazard ➔			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-16	Serious	WAC 296-809-20002	10/2/2022
Violation Summary: Confined spaces not identified in written program.			
How you corrected the hazard ➔			
Date you corrected the hazard ➔			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-17	Serious	WAC 296-809-20004(1)	9/27/2022
Violation Summary: Confined spaces not labeled at entry points(rail platform/Sulf mix tanks).			
How you corrected the hazard ➔			
Date you corrected the hazard ➔			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-18	Serious	WAC 296-809-30002(1)	10/22/2022
Violation Summary: CS SOPs and designated EE roles not established in confined space program.			
How you corrected the hazard →			
Date you corrected the hazard →			

1-19a	Serious	WAC 296-809-40002(2)	10/22/2022
Violation Summary: Confined space training was not provided to all employees.			
How you corrected the hazard →			
Date you corrected the hazard →			

1-19b	Serious	WAC 296-809-40004(1)	10/22/2022
Violation Summary: Employee proficiency in confined space duties not certified.			
How you corrected the hazard →			
Date you corrected the hazard →			

1-20a	Serious	WAC 296-809-50002(1)	10/22/2022
Violation Summary: Confined space hazards not evaluated in written program.			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

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1720 Ellis Street Suite 200, BELLINGHAM, WA 98225
Or Fax to:

How you corrected the hazard →

Date you corrected the hazard →

1-23b

Serious

WAC 296-809-50014(1)(a)

10/22/2022

Violation Summary: Emergency services not established for confined space entry.

How you corrected the hazard →

Date you corrected the hazard →

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-30	Serious	WAC 296-817-20010	10/7/2022
Violation Summary: Employee noise exposures >90 dBA not controlled for rail car workers.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

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Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-31	Serious	WAC 296-817-20015(1)	9/27/2022
Violation Summary: Ensure employees wear hearing protection when noise exposure >85 dBA.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

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Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-32	Serious	WAC 296-817-20020(2)	10/22/2022
Violation Summary: Employees did not receive training on noise exposure.			
How you corrected the hazard ➔			
Date you corrected the hazard ➔			

1-33	Serious	WAC 296-817-20035(1)	10/22/2022
Violation Summary: Did not conduct audiometric testing of employees exposed to noise.			
How you corrected the hazard ➔			
Date you corrected the hazard ➔			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

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Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-34	Serious	WAC 296-824-20005(1)	10/7/2022
Violation Summary: Emergency response plan does not adequately address roles and PPE.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

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Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-35	Serious	WAC 296-824-30005(2)	10/22/2022
Violation Summary: Did not provide adequate emergency response refresher training.			
How you corrected the hazard →			
Date you corrected the hazard →			

1-36a	Serious	WAC 296-824-60005(2)	10/22/2022
Violation Summary: Insufficient emergency resp. protection selected (APRs for unknown conds.).			
How you corrected the hazard →			
Date you corrected the hazard →			

1-36b	Serious	WAC 296-842-13005	10/22/2022
Violation Summary: Appropriate respirators not provided (APRs provided for unknown conds.).			
How you corrected the hazard →			
Date you corrected the hazard →			

1-37	Serious	WAC 296-842-15005(3)	10/22/2022
Violation Summary: Did not use quantitative fit-test methods for full face respirators.			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

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Date



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1720 Ellis Street Suite 200, BELLINGHAM, WA 98225
Or Fax to:

How you corrected the hazard →

Date you corrected the hazard →

1-38

Serious

WAC 296-842-16005(4)(c)

10/22/2022

Violation Summary: Ineffective training on respiratory protection.

How you corrected the hazard →

Date you corrected the hazard →

1-44

Serious

WAC 296-880-10020(1)

10/22/2022

Violation Summary: No implemented fall protection work plans.

How you corrected the hazard →

Date you corrected the hazard →

1-45

Serious

WAC 296-880-20005(10)

10/22/2022

Violation Summary: No fall protection implemented at four feet or more on rolling stock.

How you corrected the hazard →

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

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1720 Ellis Street Suite 200, BELLINGHAM, WA 98225
Or Fax to:

Date you corrected the hazard →	
--	--

1-46	Serious	WAC 296-901-14016(1)	10/22/2022
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Violation Summary: Ineffective hazcom training to employees.

How you corrected the hazard →

Date you corrected the hazard →	
--	--

2-1	Repeat General	WAC 296-842-15005(1)(b)	10/22/2022
-----	----------------	-------------------------	------------

Violation Summary: Annual fit tests not provided.

How you corrected the hazard →

Date you corrected the hazard →	
--	--

3-3	General	WAC 296-800-11040	10/22/2022
-----	---------	-------------------	------------

Violation Summary: Elemental sulfur exposure uncontrolled in transfer area.

How you corrected the hazard →

Date you corrected the hazard →	
--	--

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

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Or Fax to:

3-4	General	WAC 296-800-15035	10/22/2022
Violation Summary: Weekly checks of eyewash stations not performed.			
How you corrected the hazard →			
Date you corrected the hazard →			

3-5	General	WAC 296-800-23040(2)	10/22/2022
Violation Summary: Eating areas not safe and healthy, excess sulfur dust.			
How you corrected the hazard →			
Date you corrected the hazard →			

3-6	General	WAC 296-800-30020	10/22/2022
Violation Summary: Monthly fire extinguisher checks missing.			
How you corrected the hazard →			
Date you corrected the hazard →			

3-7	General	WAC 296-800-30025	10/22/2022
Violation Summary: Missing employee training records on fire extinguishers.			
How you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

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DOSH Reviewer's Signature

Date



Employer Certification of Abatement Form

Inspection: 317967997

UBI: 602341599

Issued: September 19, 2022

Legal Name: TWO RIVERS TERMINAL LLC

DBA Name: TWO RIVERS TERMINAL, LLC

Site Address: 13583 Wheeler Rd, Moses Lake, WA, 98837

You must complete this form and return it to: **MIKE JOHNSON, Department of Labor & Industries**
1720 Ellis Street Suite 200, BELLINGHAM, WA 98225
Or Fax to:

Date you corrected the hazard →			
3-10	General	WAC 296-842-10505	10/22/2022
Violation Summary: No established respirator program administrator.			
How you corrected the hazard →			
Date you corrected the hazard →			
3-11	General	WAC 296-842-12005(2)	10/22/2022
Violation Summary: Respirator program not maintained and implemented.			
How you corrected the hazard →			
Date you corrected the hazard →			
3-12	General	WAC 296-842-12010(2)	10/22/2022
Violation Summary: Did not keep fit testing records.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature

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3-13	General	WAC 296-842-12010(4)	10/22/2022
Violation Summary: Did not keep medical evaluation records			
How you corrected the hazard →			
Date you corrected the hazard →			

3-14	General	WAC 296-842-17010(1)	10/22/2022
Violation Summary: Respirators not stored properly (kept in employee vehicles).			
How you corrected the hazard →			
Date you corrected the hazard →			

3-15	General	WAC 296-842-18005(2)	10/22/2022
Violation Summary: Employees using respirators with facial hair.			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

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Title

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For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, personally delivered or electronically filed. If you electronically file, the Department will send an automated acknowledgement that the appeal was received. **If you do not receive acknowledgement, please ensure you have addressed it to the correct email.** You can also contact the Appeals Program at the number listed below.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, **"If you are unable to fix the hazard(s) by the correction due date(s)"**.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved.
You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Program
PO Box 44604
Olympia, WA 98504-4604
 Fax to: **(360) 902-5581** or deliver to: **Any L&I office**
 Electronically to: **DOSHAppeals@Lni.wa.gov**

For more information call the Appeals Program: **(360) 902-5486.**

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Po Box 475
Rupert, ID 83350

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