



OSHA Regional News Release

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**US Labor Department's OSHA cites Associated Milk Producers
and Bechel Bros. for failing to protect workers from falls
*7 additional milk haulers cited in probe following worker death***

BLAIR, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has issued Associated Milk Producers Inc. of Blair and Bechel Bros. Inc. of Plum City, Wis., one willful safety citation each for failing to provide fall protection for workers. Associated Milk has received additional citations. All citations stem from an investigation prompted by the Aug. 23, 2010, death of a Bechel Bros. driver who fell from a delivery truck at an Associated Milk Producers' intake facility in Blair. Serious citations also have been issued to seven other milk transporters for failing to provide fall protection.

"Associated Milk Producers and Bechel Bros. willfully ignored the law and failed to provide adequate fall protection for employees at the Blair intake facility. Associated Milk Producers has demonstrated an awareness of the OSHA requirement by installing adequate fall protection at its 12 other Midwest intake facilities," said Mark Hysell, the agency's area director in Eau Claire, Wis. "Additionally, seven other milk hauling companies failed to protect their workers from falls during the intake process and while cleaning milk trailers. Employers are responsible for knowing what hazards exist in their workplaces and ensuring that workers are not exposed to risks that could result in injury or death."

OSHA issued the willful citation to Associated Milk Producers for allegedly failing to fully implement and properly install fall protection for workers performing milk unloading operations. Additionally, two serious citations were issued for not providing training, evaluation and certification for operators of powered industrial vehicles. The cooperative faces fines of \$72,500 as a result of the investigation.

OSHA also issued Bechel Bros. one willful citation alleging that the company failed to provide proper fall protection while requiring its workers to wash out milk trailers from above. A worker died from injuries sustained after falling more than 10 feet from the top of a truck. The proposed penalty for failing to provide proper fall protection is \$14,000.



A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA has placed Bechel Bros. Inc. in its Severe Violator Enforcement Program, which mandates targeted follow-up inspections to ensure compliance with the law. Initiated in the spring of 2010, SVEP focuses on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations. For more information on SVEP, see <http://www.osha.gov/dep/svep-directive.pdf>*.

Seven other milk haulers that deliver to Associated Milk Producers' Blair facility each were issued one serious citation and a \$4,200 fine for failing to provide fall protection for their drivers during unloading operations. Six of those companies are based in Wisconsin: Neitzel's Trucking Inc. of Alma, Scott Wunk Trucking of Fountain City, A. J. Overhouse Transport LLC of La Crosse, Sampson Trucking Inc. of Melrose, and Mark L. Hutchinson LLC and Myrens Trucking LLC, both of Eleva. Von Arx Brothers Inc. is based in Hokah, Minn.

Associated Milk Producers Inc. is a dairy marketing cooperative with 3,200 members who operate dairy farms in Wisconsin, Minnesota, Iowa, Nebraska, South Dakota and North Dakota. Additionally, the company operates 12 milk processing facilities in the Midwest. The Blair facility receives approximately 60 milk deliveries daily.

Associated Milk Producers Inc. has been inspected by OSHA three times in the last five years and has had eight state enforcement inspections. In 2006, the cooperative was cited for failing to ensure employees were protected from falls when accessing hatches on top of milk delivery trucks at its Plainview, Neb., facility. The eight other milk hauling companies, including Bechel Bros., previously had not been inspected by OSHA.

Each of the companies has 15 business days from receipt of its citations and proposed penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission. Employers and employees with questions regarding workplace safety and health standards can call OSHA's Eau Claire office at 715-832-9019. To report workplace incidents, fatalities or situations posing imminent danger to workers, call OSHA's toll-free hotline at 800-321-OSHA (6742).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.