Citation and Notification of Penalty

To: John's Used Autos and Parts, LLC and its successors
85 Hartford Avenue
Bellingham, MA 02019

Inspection Site:
85 Hartford Avenue
Bellingham, MA 02019

Inspection Number: 1189344
Inspection Date(s): 11/01/2016 - 11/01/2016
Issuance Date: 01/03/2017

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

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).
If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide abatement certification to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that abatement documentation is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

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

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.
NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 01/03/2017. The conference will be held by telephone or at the OSHA office located at 639 Granite Street, 4th Floor, Braintree, MA 02184 on ___________ at ___________. Employees and/or representatives of employees have a right to attend an informal conference.
CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019
Issuance Date: 01/03/2017

List the specific method of correction for each item on this citation in this package that does not read “Corrected During Inspection” and return to: U.S. Department of Labor – Occupational Safety and Health Administration, 639 Granite Street, 4th Floor, Braintree, MA 02184

Citation Number _____ and Item Number _____ was corrected on
By (Method of Abatement):_____________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on
By (Method of Abatement):_____________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on
By (Method of Abatement):_____________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on
By (Method of Abatement):_____________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on
By (Method of Abatement):_____________________________________________________________________

Citation Number _____ and Item Number _____ was corrected on
By (Method of Abatement):_____________________________________________________________________

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

________________________________________  __________________________
Signature                                            Date

Typed or Printed Name  ____________________________
                        Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1 Item 1   Type of Violation: Serious

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards:

Used tire area: A platform used to access the used tire racks was not guarded by a standard railing where the mid-rail was missing exposing employees to a fall of approximately six (6) feet to the concrete below.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $2138.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2a Type of Violation: Serious

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit".
Facility: Throughout the facility exit doors were not clearly visible or marked by a sign indicating an exit.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $1604.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1  Item 2 b  Type of Violation: Serious

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

Facility: The direction of travel to the nearest exit was not immediately apparent. There were no signs posted indicating the direction of travel to the nearest exit.

Date By Which Violation Must be Abated: 02/23/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1  Item 3 a  Type of Violation: Serious

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

Facility: The employer did not ensure that employees engaged in the removal of fluids, glass, and other automobile parts wore appropriate eye and face protection.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $1604.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1 Item 3 b Type of Violation: Serious

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

Facility: The employer did not perform an assessment of the work place to determine what hazards are present and the appropriate PPE, like face shields, aprons, gloves, and safety boots where employees are dismantling automobiles, draining hazardous waste like anti-freeze, engine oil, and transmission fluid, working with and charging batteries, and other activities associated with an automotive salvage yard.

Date By Which Violation Must be Abated: 02/23/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1 Item 4 Type of Violation: Serious

29 CFR 1910.136(a): The employer did not ensure that each affected employee used protective footwear when working in areas where there was a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet were exposed to electrical hazards.

Facility: Employees working in an automobile salvage yard are not required to wear protective footwear in areas where they could suffer punctures or foot injuries from falling or rolling objects.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $1604.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1  Item 5  Type of Violation: Serious

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

Facility: The employer did not select and require the use of protective gloves where employees are working with scrap automobiles removing parts, glass, and fluids.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $1604.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1 Item 6  Type of Violation: Serious

29 CFR 1910.177(c)(1)(i): The employer did not assure that employees do not service any multi-piece rim wheel unless the employee has been trained and instructed in the correct and safe operating procedures described in 29 CFR 1910.177(f) for servicing multi-piece rim wheels.

Facility: An employee was fatally injured while servicing a multi-piece rim wheel on a John Deere 644C where the employer did not provide training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $3741.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1  Item 7  Type of Violation: Serious

29 CFR 1910.177(d)(1): The employer did not furnish a restraining device for employees to use while inflating tires on multi-piece wheels:

Facility: An employee was fatally injured while inflating a tire on a multi-piece wheel where a restraining device was not provided.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $3741.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1  Item 8   Type of Violation: Serious

29 CFR 1910.177(f): The employer did not establish a safe operating procedure for servicing multi-piece rim wheels which contained, at a minimum, the elements listed in 29 CFR 1910.177(f)(1) through (11):

Facility: An employee was fatally injured while servicing a multi-piece rim wheel where the employer did not establish safe operating procedures as required. This exposed employees to struck-by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $3741.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1 Item 9  Type of Violation: Serious

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

Facility: Employees operating a Toyota lift truck were not trained and evaluated in the safe operation of forklifts exposing employees to struck-by and crushed-by hazards.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $2138.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1  Item 10  Type of Violation: Serious

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

Front of facility near office: An electrical box had openings that were not effectively closed exposing employees to arc flash/arc blast hazards while operating the breakers.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $2138.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 1  Item 11  Type of Violation: Serious

29 CFR 1910.1200(c)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

Facility: Employees use Floor cleaner, tire bead sealer, ethylene glycol, penetrating fluids, and other chemicals without training on the hazards, labeling or Safety Data Sheets.

Date By Which Violation Must be Abated: 02/23/2017
Proposed Penalty: $1604.00
Citation and Notification of Penalty

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019

Citation 2  Item 1  Type of Violation: Other-than-Serious

29 CFR 1904.39(a)(1): The employer did not report within 8-hours the death of an employee resulting from a work-related incident:

On October 31, 2016 an employee was seriously injured when struck-by a chain while working at the facility. The employee succumbed to his injuries on November 11, 2016. The employer failed to report the passing of the employee to the local area office.

Date By Which Violation Must be Abated: Corrected During Inspection
Proposed Penalty: $1500.00

James Mulligan
Area Director
INVOICE /
DEBT COLLECTION NOTICE

Company Name: John's Used Autos and Parts, LLC
Inspection Site: 85 Hartford Avenue, Bellingham, MA 02019
Issuance Date: 01/03/2017

Summary of Penalties for Inspection Number 1189344
Citation 1, Serious $25657.00
Citation 2, Other-than-Serious $1500.00
TOTAL PROPOSED PENALTIES $27157.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of $25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed
account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest**: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges**: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs**: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

\[\text{James Mulligan}\]

Area Director

\[\text{04/03/2017}\]

Date