

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



Citation and Notification of Penalty

To:
Dollar Tree Stores, Inc.
and its successors
8020 S 84th Street
La Vista, NE 68128

Inspection Number: 1440331
Inspection Date(s): 10/28/2019 - 10/28/2019
Issuance Date: 04/13/2020

Inspection Site:
8020 S 84th Street
La Vista, NE 68128

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 by calling 402-553-0171. 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. 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 04/13/2020. The conference will be held by telephone or at the OSHA office located at 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1440331

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128
Issuance Date: 04/13/2020

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, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114

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: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

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

29 CFR 1910.23(c)(3): The employer must ensure that ladders are not loaded beyond the maximum intended load;

NOTE TO PARAGRAPH (c)(3) OF THIS SECTION: The maximum intended load, as defined in 1910.21(b), includes the total load (weight and force) of the employee and all tools, equipment, and materials being carried.

The employer is failing to protect employees from fall hazards associated with overloading ladders in the workplace. This was most recently documented on 10/28/2019 at the Dollar Store located at 8020 S 84th St La Vista, NE location.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:	05/07/2020
Proposed Penalty:	\$6361.00



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

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

29 CFR 1910.138(a): General requirements. Employers shall select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns; and harmful temperature extremes.

The employer is failing to provide Personal Protective Equipment in the form of work gloves for the handling of Helium compressed gas cylinders. This was most recently documented on October 28, 2019 at the store location 8020 S 84th Street, La Vista NE 68128. Employees handling the compressed gas cylinders containing Helium are not provided appropriate hand protection when changing regulators subjecting them to the thermal discharge hazards associated with compressed gasses.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:	05/07/2020
Proposed Penalty:	\$8482.00



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

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 1910.1200(e)(1)(i): A list of the hazardous chemicals known to be present using a product identifier that is referenced on the appropriate safety data sheet.

The employer is exposing employees to thermal and pressure hazards associated with the use of compressed helium gas. This was most recently documented on 10/28/2019 at the Dollar Tree Stores, Inc. location of 8020 S 84th St. La Vista, NE location. The employer did not include Helium Gas on the hazardous chemical list for the site. The site utilizes helium gas to fill balloons on a regular basis.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/07/2020
Proposed Penalty:	\$8482.00



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

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

29 CFR 1910.1200(g)(1): Chemical manufacturers and importers shall obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet in the workplace for each hazardous chemical which they use.

The employer is failing to maintain and make available safety data sheets for the hazardous chemicals on site. This was most recently documented on 10/28/2019 at Dollar Tree Stores, Inc. located at 8020 S 84th Street, La Vista, NE 68128. The safety data sheets for the compressed helium gas were not available or present for employees to view. Compressed helium gas discharge from the nozzle can be of extremely low temperatures and special handling instructions listing potential hazards was not available.

Abatement certification is required for this violation. The abatement certification sheet is enclosed with the citations.

Date By Which Violation Must be Abated:

05/07/2020



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

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

29 CFR 1910.1200(h)(1): Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

The employer is failing to provide initial training on the hazardous chemicals in the their work area. This was most recently documented on 10/28/2019 at Dollar Tree 8020 S 84th St La Vista, NE 68128. Not all employees were adequately trained on the hazards of helium used in the workplace.

Abatement certification is required for this violation using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET.

Date By Which Violation Must be Abated: 05/07/2020



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.22(a)(1) All places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition.

The employer is failing to maintain the storerooms in an orderly condition so far as the employees can utilize pathways and aisles in their duties at the workplace. This was most recently documented on 10/28 at the Dollar Tree location of 8020 S 84th St LA Vista, Ne location. The passageways used by employees to access the merchandise and perform required unloading and stocking duties were blocked and obstructed.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/07/2020
Proposed Penalty:	\$127223.00



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

Citation 2 Item 2 Type of Violation: **Willful**

29 CFR 1910.37(a)(3): Exit routes must be free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route. The exit access must not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor. Stairs or a ramp must be provided where the exit route is not substantially level.

The employer is failing to protect employees from evacuation hazards associated with blocked and obstructed exit routes in the rear stock room. This was most recently documented on 10/28/2019, and two other dates previous week at the Dollar Tree Stores, Inc. Stores, Inc. located at 8020 S 84th St La Vista, NE location. Employees are performing work including the unloading of delivery trucks and retrieval of merchandise in the storage room in which the exit route is blocked and obstructed with boxes and cases of product.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/29/2020
Proposed Penalty:	\$134937.00



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

Citation 2 Item 3 Type of Violation: **Willful**

29 CFR 1910.176(b): Secure storage. Storage of material shall not create a hazard. Bags, containers, bundles, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

The employer is failing to protect employees from struck by hazards associated with unsecure piling of boxed materials in the stockroom. This was most recently documented on 10/28/2019 at the Dollar Tree Stores, Inc. store located at 8020 S 84th St La Vista, NE. Employees receive, stock, and retrieve boxed and cased products in the rear stockroom where merchandise has been piled in an unorganized pile of boxes and cases in excess of 7 feet.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 05/07/2020
Proposed Penalty: \$127223.00



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

Citation 3 Item 1 Type of Violation: **Repeat**

29 CFR 1910.101(b): "Compressed gases." The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tank, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P-1-1965, which is incorporated by reference as specified in Sec. 1910.6.

The employer is failing to protect employees from stuck-by-hazards associated with unsecured storage of compressed helium gas cylinders in the stock room. This was most recently documented on 10/28/2019 at the Dollar Tree store located at 8020 S 84th Street La Vista, NE location. Employees receive, stock, and retrieve merchandise out of the rear stock room with inadequately stored Helium Compressed gas cylinders.

Instances include but are not limited to:

- a. unsecured standing cylinders
- b. Missing protective caps to the helium cylinders
- c. Employees move boxes of products and merchandise which are next to unsecured stored tanks and tanks missing protective caps.

Dollar Tree Stores was previously cited for a violation of this occupational safety and health standard or its equivalent standard (29 CFR 1910.101(b), which was contained in OSHA inspection number 1183553 citation number_2 item number_2_ and was affirmed as a final order on March 27, 2017, with respect to a workplace located at 1327 Main Street, Billings, Montana 59105.

Dollar Tree Stores was previously cited for a violation of this occupational safety and health standard or its equivalent standard (29 CFR 1910.101(b), which was contained in OSHA inspection number_951864_, citation number_1_, item number_1_ and was affirmed as a final order on (December 9, 2015), with respect to a workplace located at 2704 Brooks Street #A, Missoula, Montana 59801.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1440331
Inspection Date(s): 10/28/2019 - 10/28/2019
Issuance Date: 04/13/2020



Citation and Notification of Penalty

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/07/2020
\$127226.00

A handwritten signature in cursive script that reads "Dennis Craig for".

Matthew Thurlby
Area Director

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

U.S. Department of Labor
Occupational Safety and Health Administration
444 Regency Parkway Drive
Suite 303
Omaha, NE 68114



INVOICE / DEBT COLLECTION NOTICE

Company Name: Dollar Tree Stores, Inc.
Inspection Site: 8020 S 84th Street, La Vista, NE 68128
Issuance Date: 04/13/2020

Summary of Penalties for Inspection Number	1440331
Citation 1, Serious	\$23325.00
Citation 2, Willful	\$389383.00
Citation 3, Repeat	\$127226.00
TOTAL PROPOSED PENALTIES	\$539934.00

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

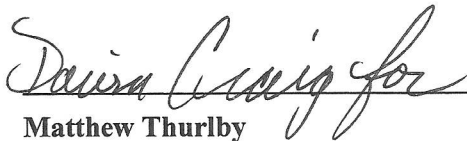
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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 two percent (2%). 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.

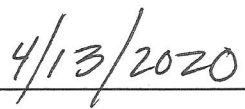
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Matthew Thurlby

Area Director



Date