

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1000 South Pine Island Road  
Suite 100  
Fort Lauderdale, FL 33324



## Citation and Notification of Penalty

**To:**  
BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
and its successors  
3000 OLYMPUS BLVD.  
Coppell, TX 75019

**Inspection Number:** 1350445  
**Inspection Date(s):** 10/02/2018 - 02/21/2019  
**Issuance Date:** 02/28/2019

**Inspection Site:**  
8698 NW 13th Terrace  
Doral, FL 33126

*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 954-424-0242. 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](http://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 02/28/2019. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on \_\_\_\_\_ at \_\_\_\_\_ . Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1350445**

Company Name: BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
Inspection Site: 8698 NW 13th Terrace, Doral, FL 33126  
Issuance Date: 02/28/2019

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, 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324**

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:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126

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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 1 a** Type of Violation: **Serious**

29 CFR 1910.23(b)(9): Ladders were not inspected before the initial use in each work shift, or more frequently as necessary, to identify any visible defects that could cause injury:

a) On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not ensure the portable folding 3-step aluminum frame stool ladder was inspected before it was used or at the beginning of each shift, where employees were exposed to fall hazards when working from the unstable portable ladder with missing, bent and/or cracked components. This ladder has missing and/or defaced labels and was in need of deep cleaning to remove grease/debris build up which made the ladder slippery and a hazard for employees using it.

b) On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not ensure the 6-foot aluminum A-frame ladder was inspected before it was used or at the beginning of each shift, where employees were exposed to fall hazards when working from the slippery ladder with missing and/or defaced labels. This ladder was in need of deep cleaning to remove grease/debris build up which made the ladder slippery and a hazard for employees using it.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$13260.00

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:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126

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

29 CFR 1910.23(b)(10): The employer did not ensure that any ladder with structural or other defects was immediately tagged "Dangerous: Do Not Use" or with similar language in accordance with 1910.145 and removed from service until repaired in accordance with 1910.22(d), or replaced:

- a) On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer had not tagged and/or removed from service an unstable portable folding 3-step aluminum frame stool ladder with missing, bent and/or cracked components exposing employees to fall hazards when while performing kitchen hood cleaning operations.
  
- b) On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer had not tagged and/or removed from service a 6-foot aluminum A-frame ladder that had missing and/or defaced labels, grease/debris build up which made the ladder slippery exposing employees to fall hazards when while performing kitchen hood cleaning operations.

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1350445  
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Issuance Date: 02/28/2019



**Citation and Notification of Penalty**

**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126

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 2 a Type of Violation: **Serious****

29 CFR 1910.28(b)(1)(i): Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following: \*Guardrail systems; \*Safety net systems; \*or Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not ensure an employee was protected from falling while being exposed to a fall of more than 5 feet when working from the unprotected edge top surface of a Cleveland OES-6.20 Combi Oven-Steamer (SN 1101230001141) to access and clean the overhead hood filters.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$13260.00

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

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**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
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**Citation 1 Item 2 b Type of Violation: **Serious****

29 CFR 1910.28(b)(6)(i): the employer did not ensure each employee less than 4 feet (1.2 m) above dangerous equipment is protected from falling into or onto the dangerous equipment by a guardrail system or a travel restraint system, unless the equipment is covered or guarded to eliminate the hazard.

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not ensure an employee who was working less than 4 feet (1.2 m) above a dangerous Frymaster FE155CSE Rethermalizer (SN 1503QB0012) with the water vat temperature at 185 degree F, was protected from falling into or onto dangerous equipment and/or ensured that the dangerous equipment was guarded to eliminate the hazard.

Date By Which Violation Must be Abated:

Corrected During Inspection

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

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Occupational Safety and Health Administration

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**Citation 1 Item 3** 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:

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not ensure employees were provided appropriate eye and face protection while using hazardous chemicals including but not limited to, Grease Express Fast Foam a corrosive containing Sodium Hydroxide with a (pH 12.78 - 13.78), while performing cleaning of kitchen activities.

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/26/2019  
\$9472.00

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

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**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
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**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.138(a): The employer did not select and require employees to use appropriate hand protection when employees hands were exposed to hazardous condition(s):

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not provide employees with the appropriate hand protection while wearing disposable food-grade vinyl gloves and using hazardous chemicals including but not limited to, Grease Express Fast Foam a corrosive containing Sodium Hydroxide (with a pH 12.78 - 13.78), while when performing kitchen cleaning activities.

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/26/2019  
\$7577.00

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

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**Issuance Date:** 02/28/2019



**Citation and Notification of Penalty**

**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126

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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not provide suitable facilities for quick drenching or flushing of the eyes to employees who were required to work with hazardous chemicals, including but not limited to, Grease Express Fast Foam a corrosive containing Sodium Hydroxide with a (pH 12.78 -13.78), while performing kitchen cleaning activities.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$9472.00

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

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**Citation and Notification of Penalty**

**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126

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 6 a Type of Violation: **Serious****

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical:

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not maintain copies of the required safety data sheets for each hazardous chemical in the workplace for employees exposed to hazardous chemicals, including but not limited to, Grease Express Fast Foam a corrosive containing Sodium Hydroxide with a (pH 12.78 -13.78), while performing kitchen cleaning activities.

Date By Which Violation Must be Abated:  
Proposed Penalty:

03/26/2019  
\$9472.00

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

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**Citation and Notification of Penalty**

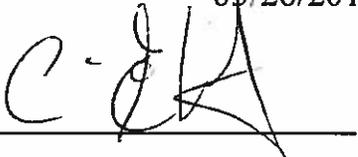
**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126

**Citation 1 Item 6 b 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.

On or about October 2, 2018, at 8696 NW 13th Terrace, Doral, FL 33126, the employer did not provide effective information and training on hazardous chemicals for employees who were required to work with hazardous chemicals, including but not limited to, Grease Express Fast Foam a corrosive containing Sodium Hydroxide with a (pH 12.78 -13.78), while performing kitchen cleaning activities.

Date By Which Violation Must be Abated:

03/26/2019  


**Condell Eastmond**  
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  
1000 South Pine Island Road  
Suite 100  
Fort Lauderdale, FL 33324



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** BRINKER FLORIDA, INC., dba Chili's Grill & Bar  
**Inspection Site:** 8698 NW 13th Terrace, Doral, FL 33126  
**Issuance Date:** 02/28/2019

<b>Summary of Penalties for Inspection Number</b>	<b>1350445</b>
<b>Citation 1, Serious</b>	<b>\$62513.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$62513.00</b>

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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](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 cash the check or money order as if these restrictions or conditions do not exist.

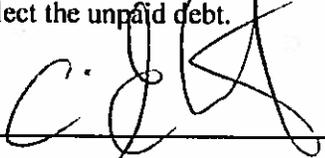
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

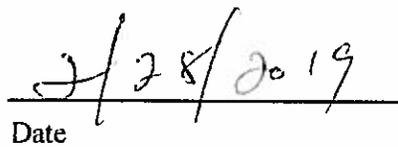
**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (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.



Condell Eastmond  
Area Director



Date