

## U.S. Department of Labor

Occupational Safety and Health Administration  
Manhattan Area Office  
201 Varick Street, Room 908  
New York, NY 10014  
Phone: (212)620-3200 FAX: (212)620-4121  
OSHA Website Address: <http://www.osha.gov>



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# Citation and Notification of Penalty

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**To:**  
Rite Aid of New York, Inc  
and its successors  
6900 4th Avenue  
Brooklyn, NY 11209

**Inspection Number:** 315433631  
**Inspection Date(s):** 03/10/2011-03/10/2011  
**Issuance Date:** 08/31/2011

**Inspection Site:**  
6900 4th Avenue  
Brooklyn, NY 11209

*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.*

**Attention: Kevin Linnhan**

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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 mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please read the following paragraphs which outline your rights and responsibilities. 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may call to request one with the Area Director **before** the 15 working day contest period ends. 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 decide to request an informal conference, call our office at (212) 620-3200 between 8AM and 4PM for an appointment. Complete, remove and post the page 5 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.

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, if you intend to contest, 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.

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

**Notification of Corrective Action** - For violations which you do not contest, you should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. Attached is a letter with a form to assist you in meeting this requirement.

**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.

**Internet Posting Notice:** You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at "<http://www.osha.gov>". If you have any dispute with the accuracy of the information displayed, please contact this office.

**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.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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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 resulting from an accident.

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

29 CFR 1910.24(d): Fixed stairway(s) were less than 22 inches wide.

Location: 6900 4th Ave., Brooklyn, NY; basement storage room.

- a) The Employer provided fixed stairs to the basement storage room that were only 20.5 inches wide; on or about 3/10/11.

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 7000.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.24(e): Fixed stairway(s) shall be install at angles to the horizontal of between 30-50 degrees.

Location: 6900 4th Ave., Brooklyn, NY; basement storage room.

- a) The Employer provided fixed stairs to the basement storage room that had an angle to the horizontal of greater than 50 degrees. Employees were exposed to a potential fall hazard of up to 8ft; on or about 3/10/11.

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19.**

Date By Which Violation Must be Abated: 09/19/2011

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

29 CFR 1910.24(f): Fixed stairway's treads shall be reasonably slip resistant.

Location: 6900 4th Ave., Brooklyn, NY; basement storage room.

- a) The Employer provided fixed stairs to the basement storage room that were not equipped with slip resistant treads. Employees were exposed to a potential fall hazard of up to approximately 8ft; on or about 3/10/11.

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19.**

Date By Which Violation Must be Abated: 09/19/2011



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.25(d)(2)(xii): Tops of the ordinary types of stepladders shall not be used as steps.

Location: 6900 4th Ave., Brooklyn, NY; back storage room.

- a) Employees were exposed to a potential fall hazard of approximately 8'(ft) while using the top of an A frame wood ladder as a step to access the roof top of the employee break room, employee bathroom, and small office; on or about 3/10/11.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.37(a)(4): Safeguards design to protect employees during an emergency (e.g. sprinkler systems, alarm systems, fire doors, exit lighting) must be in proper working order at all times.

Location: 6900 4th Ave., Brooklyn, NY; back storage room.

- a) The fire and/or emergency door leading to the Bay Ridge Avenue emergency exit was propped open using totes filled with boxes of merchandise thereby annulling the intended design/purpose in the event of a fire or other emergency; on or about 3/10/11.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3300.00

**Citation 1 Item 4 Type of Violation: **Serious****

29 CFR 1910.157(c)(1): The employer shall provide portable fire extinguishers and shall mount, locate and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

Location: 6900 4th Ave., Brooklyn, NY; basement storage room.

- a) Employer failed to provide portable fire extinguishers in the basement storage room; on or about 3/10/11.

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19**

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 3300.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.212(a)(1): One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoin nip points, rotating parts flying chips and sparks. Examples of guarding methods are barrier guards, two hand ripper devices, electronic safety devices, etc.

Location: 6900 4th Ave., Brooklyn, NY; back storage room.

- a) Employees were exposed to a crush hazard while inserting their hands with the boxes into a piqua baler box crusher that did not have the interlock system working; on or about 3/10/11.

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 7000.00



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed.

Location: 6900 4th Ave., Brooklyn, NY; back storage room.

- a) The employer did not ensure that the Bay Ridge emergency exit was clear and unobstructed. The exit was blocked entirely by garbage and debris; on or about 4/21/11.

**REPEAT STATEMENT**

**(FIRST REPEAT)**

**RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, CFR 29 1910.37(a)(3) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310754841 CITATION NUMBER 1, ITEM NUMBER 3(c), ISSUED ON 7/3/08.**

**NOTE: FINAL ORDER DATE 8/5/08.**

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.9**

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 27500.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse.

Location: 6900 4th Ave., Brooklyn, NY; back and basement storage rooms.

- a) Employer did not ensure that boxes of merchandise were stacked in a safe manner to protect against sliding and collapse; on or about 3/10/11.

**REPEAT STATEMENT**

**(FIRST REPEAT)**

RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.176(b) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 309600351 CITATION NUMBER 2, ITEM NUMBER 1, ISSUED ON 8/01/07.

NOTE: FINAL ORDER DATE 9/15/07.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19.

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 16500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

29 CFR 1910.303(g)(1)(i): Workspace was less than 30 inches wide in front of electrical equipment operating at 600 volts, nominal or less.

Location: 6900 4th Ave, Brooklyn, NY; back and basement storage rooms.

- a) Electrical panels in the back storage and basement storage rooms were blocked by folded cardboard boxes and cardboard boxes and totes containing merchandise; on or about 3/10/11.

**REPEAT STATEMENT**

**(FIRST REPEAT)**

**RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.303(g)(1)(i) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 309600351 CITATION NUMBER 1, ITEM NUMBER 1, ISSUED ON 08/01/07.  
NOTE: FINAL ORDER DATE 09/15/07.**

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19**

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 16500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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**Citation 2 Item 4 Type of Violation: Repeat**

29 CFR 1910.304(g)(5): The path to ground from circuits, equipment, or enclosures was not permanent, continuous and effective.

Location: 6900 4th Ave., Brooklyn, NY; employee breakroom.

- a) Employees were using a microwave located in the employee break room that was energized by a power strip that was missing the ground pin; on or about 03/10/11.

**REPEAT STATEMENT**

**(FIRST REPEAT)**

**RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.304(g)(5) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310754908 CITATION NUMBER 1, ITEM NUMBER 4, ISSUED ON 07/03/08.  
NOTE: FINAL ORDER DATE 08/05/08.**

**NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 16500.00

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See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

**Citation 2 Item 5 Type of Violation: Repeat**

29 CFR 1910.305(a)(2)(ix): All lamps for general illumination shall be protected from accidental contact or breakage by a suitable fixture or lampholder with a guard.

Location: 6900 4th Ave., Brooklyn, NY; back and basement storage rooms.

- a) Employees were exposed to electrical hazards while stacking merchandise in the back storage and basement storage rooms; on or about 3/10/11.

**REPEAT STATEMENT**

**(FIRST REPEAT)**

**RITE OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 29 CFR 1910.305(a)(2)(ix) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310754908 CITATION NUMBER 2, ITEM NUMBER 3, ISSUED ON 08/01/07.**

**NOTE: FINAL ORDER DATE 09/15/07.**

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19.**

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 16500.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

Company Name: Rite Aid of New York, Inc  
Inspection Site: 6900 4th Avenue, Brooklyn, NY 11209

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

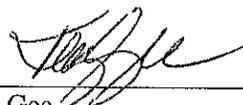
29 CFR 1910.305(g)(2)(iii): Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws.

Location: 4900 4th Ave., Brooklyn, NY; store's main floor.

- a) Employees were exposed to electrical hazards while using an extension cord that was connected to a power strip which had no electrical strain relief. This temporary electrical connection was being used as permanent wiring throughout the year to power Christmas lighting, fans and other equipment; on or about 3/10/11.

**NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM IN ACCORDANCE WITH 29 CFR 1903.19**

Date By Which Violation Must be Abated:	09/19/2011
Proposed Penalty:	\$ 0.00

  
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Kay Gee  
Area Director

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See pages 1 through 5 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  
Manhattan Area Office  
201 Varick Street, Room 908  
New York, NY 10014  
Phone: (212)620-3200 FAX: (212)620-4121  
**OSHA Website: "http://www.osha.gov"**



## INVOICE/ DEBT COLLECTION NOTICE

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**Company Name:** Rite Aid of New York, Inc  
**Inspection Site:** 6900 4th Avenue, Brooklyn, NY 11209  
**Issuance Date:** 08/31/2011

**Summary of Penalties for Inspection Number 315433631**

<b>Citation 1, Serious</b>	= \$	<b>27600.00</b>
<b>Citation 2, Repeat</b>	= \$	<b>93500.00</b>
<b>Citation 3, Other</b>	= \$	<b>0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	= \$	<b>121100.00</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.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than full amount due and will cash the check or money order as if these restrictions or conditions, or endorsements 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 or 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 charges are assessed at an annual rate determined by the Secretary of Treasury. This rate is currently 3%.

**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 3%. 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.



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Kay Gee  
Area Director

8/31/4

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Date