

U.S. Department of Labor Occupational Safety and Health Administration
138 River Road,
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



11/01/2017

Lynnway Auto Auction, Inc.
400 Charter Way
Billerica, MA 01822

Dear Employer,

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000) revised 2015, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me 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. This information will allow us to close the case.

As indicated on page 6 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

Anthony Covello
Area Director

Enclosures

U.S. Department of Labor
Occupational Safety and Health Administration
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



Citation and Notification of Penalty

To:
Lynnway Auto Auction, Inc.
and its successors
400 Charter Way
Billerica, MA 01822

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017

Inspection Site:
400 Charter Way
Billerica, MA 01822

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. 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 11/01/2017. The conference will be held by telephone or at the OSHA office located at 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1229973

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822
Issuance Date: 11/01/2017

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, 138 River Road, Suite 102, Shattuck Office Center, Andover, MA 01810**

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

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

29 CFR 1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

(a) Location - 159 Rangeway Road, Billerica, MA;
On or about 5/30/17, a barrel obstructed the exit route reducing the width.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$7967.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

29 CFR 1910.38(a): The employer did not have an emergency action plan as required by an OSHA standard. The requirements in this section apply to each such emergency action plan.

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/3/17, an emergency action plan was not developed to protect employees in the event of an emergency as required by the OSHA standard.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$9959.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

29 CFR 1910.106(d)(3)(ii): Storage cabinet(s) for flammable liquids were not designed or constructed to meet minimal fire resistance as required:

(a) Location - 400 Charter Way, Billerica, MA;

On or about 5/3/14, the employees were using metal cabinets to store flammable liquids in which were not approved for the storage of flammable liquids.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$7967.00

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: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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 4 a 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):

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/3/17, the employer failed to perform any assessments related to workers performing auction related tasks including but not limited to employees jump starting vehicles and inflating tires.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2017
Proposed Penalty:	\$12675.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

29 CFR 1910.133(a)(1): Protective eye equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/3/17, employees were not provided or required to use safety eye wear to protect from eye injuries.

Date By Which Violation Must be Abated:

12/20/2017

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: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

29 CFR 1910.141(d)(1): Washing facilities were not maintained in a sanitary condition:

(a) Location -163 Rangway Road, Billerica, MA (car detail area):
on or about 5/30/17, the toilet facilities were not maintained in a sanitary condition.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$7967.00

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: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 6 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:

(a) Location - 159 Range Way Road, Billerica, MA (reconditioning):
On or about 5/30/17, suitable eye wash stations were not maintained for use by employees working with corrosive materials.

(b) Location - 400 Charter Way, Billerica, MA (mechanic shop):
On or about 5/10/17, suitable eye wash stations were not maintained for use by employees working with corrosive materials.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2017
Proposed Penalty:	\$12675.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

(a) Location - 159 Rangeway Road, Billerica, MA:

On or about 5/30/17, annual maintenance checks on portable fire extinguishers were not conducted.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$9959.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 8 Type of Violation: **Serious**

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage fire fighting:

(a) Location 400 Charter Way, Billerica, MA:

On or about 5/3/17, employees expected to use fire extinguishers were not provided training.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$9959.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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 9 a Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/10/17, employees were using a relocatable power tap that was not used in accordance with its listing and labeling.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2017
Proposed Penalty:	\$9959.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 9 b Type of Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

(a) Location - 400 Charter Way, Billerica, MA:
On or about 5/10/17, a relocatable power tap was installed for use as a permanent outlet.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/20/2017

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: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 10 Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, , nor located and arranged so the purpose was evident:

(a) Location - 159 Range Way, Billerica, MA:

On or about 5/30/17, employees were exposed electrical hazards when employer failed to ensure that each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$7967.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.304(f)(1)(viii): Circuit breakers used as switches in 120-volt and 277-volt, fluorescent lighting circuits were not listed and marked "SWD."

(a) Location - 159 Rangeway Road, Billerica, MA:

On or about 5/30/17, the a circuit breakers used as a switch to operate the florescent lighting circuit was not approved and was not marked SWD.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$7967.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 12 Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

(a) Location - 159 Rangeway Road, Billerica, MA:

On or about 5/30/17, employees were exposed to electrical shock and burns when the employees were using energized electrical outlets that were not covered or have faceplates installed.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$7967.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 1 Item 13 Type of Violation: **Serious**

29 CFR 1910.1200(e)(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:

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/3/17, the employer did not develop a written hazard communication program.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$12675.00

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: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

OSHA ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to struck-by and crushing hazards from vehicles driven throughout the auto auction premises.

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/3/17, the employer failed to protect employees from struck-by and crushing hazards from vehicles while working throughout the entire auction premises. Employees exposed to these hazards include but are not limited to auction managers, auction staff, auction ring men, lane chiefs, drivers, maintenance personnel, lot attendants, security personnel and auto mechanics.

Lynnway Auto Auction, Inc. was previously cited for a violation of Section 5(a)(1) of the OSH Act for exposing employees to struck-by and crushing hazards from vehicular traffic, which was contained in OSHA inspection number 965164, citation number 1, item number 1 and was affirmed as a final order on 08/17/2014, with respect to Lynnway Auto Auction, Inc.s workplace located at 400 Charter Way, Billerica, MA.

The method or methods to feasibly correct or abate the hazards include, but are not limited to, the following elements:

Develop a written auction traffic control program which addresses at a minimum the following elements:

Engineering Controls

1. Designate pedestrian and other non-driving auction employee safe locations, walkways and crosswalks with painted lines on the auction arena floor, and install bollards or other physical perimeter barriers which are capable of absorbing impact forces along auction lanes, and all other moving vehicle viewing areas for protecting pedestrians from being struck-by moving vehicles.
2. Designate and post vehicle speed limits throughout the auction premises.
3. Designate and delineate vehicle stopping points within the auction lanes where drivers will

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: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

- periodically stop and park vehicles for purposes of auction participant viewing or bidding.
4. Implement a communication system to warn pedestrians to clear the auction lanes prior to signaling vehicles to proceed to the next stopping point.
 5. Ensure all auction management, including auctioneers, auction ring men, lane chiefs and each employee directing auction lane traffic are provided and wear high visibility vests in all vehicle traffic areas on the auction premises.

Administrative Controls

1. Develop a written auction safety policy and distribute to all auction employees and pedestrians. Prohibit all pedestrians from walking into lanes with moving vehicles unless at designated crosswalks.
2. Ensure that safety policy and rules are communicated to all employees including all temporary employees.
3. Post auto auction safety rules, and guidelines pertaining to safe auction operations.
4. Ensure drivers obey speed limits and safe travel distances between vehicles throughout the auction premises.
5. Develop a monitoring plan to ensure all employees adhere to all safety rules, traffic control signals and auction safety protocols such as clearing auction lanes prior to signaling vehicles to proceed to the next stopping point.
6. Develop a progressive disciplinary action plan to address non-compliance with safety policy and rules.
7. Implement safety meetings prior to each auction day, with mandatory attendance for all auction employees to review auction safety protocol, and driver safety procedures.
8. Ensure all drivers maintain at least 20 feet when stopping behind a vehicle in front of them, for preventing injuries caused by collisions and caught in between hazards.
9. Prohibit the opening of vehicle doors, hoods, trunks and enclosed spaces during the auction, and limit these activities to trained employees.
10. Ensure management conducts daily inspections throughout the auction premises, and documents deficiencies or near miss incidents and takes appropriate corrective actions. Evaluate all reports on an annual basis and ensure that all deficiencies have been addressed and communicated to all employees.

Training Certification

1. Ensure all auction management, auctioneers, auction ring men and lane chiefs, demonstrate

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: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

- proficient knowledge of the auction safety rules, protocol and driver safety procedures.
2. Certify that all employees including temporary employees have been trained regarding the auction traffic control plans, safety policy, and driver safety program prior to assignment.
 3. Provide training at a minimum annually. Retrain whenever deficiencies or noncompliance with safety program are found.

Develop and implement a safe driving program for all auction drivers specific to each area within the auto auction premises, which includes at a minimum, the following guidelines:

1. Certify that all drivers demonstrate safe driver skills and demonstrate knowledge of safe driver procedures and pedestrian precautions before assignment.
2. Periodically re-evaluate all drivers to ensure that they remain qualified to operate and are physically capable of operating each vehicle safely.
3. Ensure all drivers are wearing the appropriate high visibility clothing for when accessing vehicles in parking lots.
4. Ensure drivers wear stable footwear to safely operate vehicle foot control pedals.
5. Prior to operation, ensure all auction drivers visually inspect each vehicle for safety defects such as faulty brakes, engine idle malfunction, driver visibility hazards, or other mechanical defects.
6. Instruct drivers to remove the keys from the ignition of unsafe or defective vehicles, and notify a supervisor.
7. Ensure drivers are trained to follow speed limits in each posted area and trained to maintain safe travel distances between vehicles throughout the auction premises.
8. Ensure drivers are aware of blind spots within the premises which may conceal pedestrians and other auction employees from view.
9. Provide retraining in the safe driver program and/or auction safety protocol, when deficiencies or non-compliance to safety policy is found.
10. Implement a written disciplinary action plan to address unsafe driving practices, or violation of the auction safety rules and protocols.

See above

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/20/2017

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: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Proposed Penalty:

\$69713.00

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: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

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

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

(a) Location - 159 Rangeway Road, Billerica, MA:
On or about 5/30/17, the openings in electrical panels, cabinets, and motor control centers were not effectively closed.

Lynnway Auto Auction, Inc. was previously cited for a violation of this Occupational Safety and Health Standard CFR 1910. 305 (b) (1) (ii), which was contained in OSHA inspection number 965164, citation number 1, item number 2 and was affirmed as a final order on 8/12/14, with respect to a workplace located at 400 Charter Way, Billerica, MA 01822.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/20/2017
Proposed Penalty:	\$69713.00

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

Inspection Number: 1229973
Inspection Date(s): 05/03/2017 - 05/03/2017
Issuance Date: 11/01/2017



Citation and Notification of Penalty

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822

Citation 3 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.31(a): The employer did not record the recordable injuries/illnesses that occurred to employees who were not on their payroll, but were supervised by the company on a day-to-day basis.

(a) Location - 400 Charter Way, Billerica, MA:

On or about 5/30/17, the employer failed to record injuries to temporary labor under their supervision.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/20/2017
\$1992.00

A handwritten signature in black ink, appearing to read "Anthony Covello".

Anthony Covello
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
138 River Road
Suite 102, Shattuck Office Center
Andover, MA 01810
Phone: 978-837-4460 Fax: 978-837-4455



INVOICE / DEBT COLLECTION NOTICE

Company Name: Lynnway Auto Auction, Inc.
Inspection Site: 400 Charter Way, Billerica, MA 01822
Issuance Date: 11/01/2017

Summary of Penalties for Inspection Number	1229973
Citation 1, Serious	\$125663.00
Citation 2, Repeat	\$139426.00
Citation 3, Other-than-Serious	\$1992.00
TOTAL PROPOSED PENALTIES	\$267081.00

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

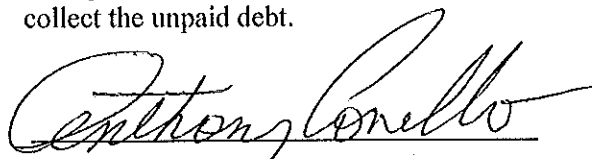
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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.


Anthony Covello
Area Director

11/01/2017
Date