

U.S. Department of Labor

Occupational Safety and Health Administration
53 Pleasant Street
Room 3901, J.C. Cleveland Federal Bldg.
Concord, NH 03301



Citation and Notification of Penalty

To:
Ocean State Job Lot
and its successors
375 Commerce Park Rd
North Kingstown, RI 02852

Inspection Number: 1398405
Inspection Date(s): 05/03/2019 - 07/10/2019
Issuance Date: 09/13/2019

Inspection Site:
28 Portsmouth Road
Stratham, NH 03885

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 603-225-1629. 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 09/13/2019. The conference will be held by telephone or at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1398405

Company Name: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885
Issuance Date: 09/13/2019

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301**

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: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885

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

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace: Note: The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

Location: Ocean State Job Lot, Stratham NH

On or about May 3, 2019 employees were required to wear N95 respirators and medical evaluations were not provided to employees prior to them using the required respirators.

Abatement Note: Provide employees with proper medical evaluation prior to the initial use of respirators and prior to fit testing.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2019
Proposed Penalty:	\$10,419.00



Citation and Notification of Penalty

Company Name: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885

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

29 CFR 1910.134(f)(1): The employer did not ensure that employee(s) required to use a tight-fitting facepiece respirator passed the appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT):

Location: To include but not limited to clothing storage area, rug area, pet area, bird seed area, shelving in cleaning area, gardening area, trailer and employee break room.

On or about May 3, 2019 employees required to use N95 respirators were not provided fit testing prior to use.

Abatement note: Provide employees proper fit testing prior to issuance of respirators

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2019
Proposed Penalty:	\$10,419.00



Citation and Notification of Penalty

Company Name: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885

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

29 CFR 1910.134(k)(3): Training was not provided prior to requiring employees to use a respirator in the workplace

Location: Ocean State Job Lot, Stratham, NH

On or about May 3, 2019 employees required to wear respirators were not provided with training on the use of the N95 respirator prior to them being used.

Abatement note: Ensure that employees are provided with the proper training on the use of respirators.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/25/2019
Proposed Penalty:	\$8,335.00



Citation and Notification of Penalty

Company Name: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885

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

29 CFR 1910.141(a)(3)(i): Places of employment were not kept clean to the extent that the nature of the work allowed:

Location: To include but not limited to clothing storage area, rug area, pet area, bird seed area, shelving in cleaning area, gardening area, trailer and employee break room.

On or about May 3, 2019 the building was not kept free of vermin feces and urine that had accumulated in employee work areas.

Ocean State Job Lots was previously cited for a violation of 29 CFR 1910.141(a)(3)(i), which was contained in OSHA inspection number 1415612, citation number 1 item number 2a and was affirmed as a final order on 4/2/2019, with respect to the workplace located in Stratham, NH.

Abatement Note: Among other methods that are feasible and acceptable to abate this violation: Regular and proper cleaning of employee work and break areas to reduce employee exposure, to include vermin waste and debris on shelving units, products and storage areas. Cleaning up of spilled seed and other potential food sources in a timely manner as well as the removal of potential nesting areas such as but not limited to the cardboard piles near the bailer.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/03/2019
Proposed Penalty:	\$62,513.00



Citation and Notification of Penalty

Company Name: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885

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

29 CFR 1910.141(a)(5): A continuing and effective extermination program was not instituted where rodents, insects, or other vermin were detected:

Location: to include but not limited to, clothing storage area, rug area, cleaning area, gardening area, pet area, trailer, employee break room.

On or about May 3, 2019 the building was not adequately maintained with a continuing and effective extermination program to prevent the harborage of vermin.

Ocean State Job Lots was previously cited for a violation of 29 CFR 1910.141(a)(5), which was contained in OSHA inspection number 1415612, citation number 1 item number 3 and was affirmed as a final order on 4/2/2019, with respect to the workplace located in Stratham, NH.

Abatement Note: Among other methods that are feasible and acceptable to abate this violation: Repair of entry points throughout the entire building to include the other leased business spaces. Install fire break in the ceiling to prevent vermin travel between businesses. Implement a continuous extermination program throughout the structure that is effective in removing the vermin population.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/03/2019
Proposed Penalty: \$62,513.00

A handwritten signature in cursive script, reading "Rosemarie O. Cole", is written over a horizontal line.

Rosemarie O. Cole
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street
Room 3901, J.C. Cleveland Federal Bldg.
Concord, NH 03301



INVOICE / DEBT COLLECTION NOTICE

Company Name: Ocean State Job Lot
Inspection Site: 28 Portsmouth Road, Stratham, NH 03885
Issuance Date: 09/13/2019

Summary of Penalties for Inspection Number	1398405
Citation 1, Serious	\$29,173.00
Citation 2, Repeat	\$125,026.00
TOTAL PROPOSED PENALTIES	\$154,199.00

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

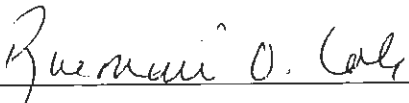
account, the bank will attempt to make the transfer up to 2 times.

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.

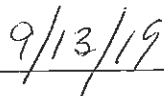
Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent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



Rosemarie O. Cole
Area Director



Date