

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
507 N. Sam Houston Parkway E.  
Suite 400  
Houston, TX 77060  
Phone: 281-591-2438 Fax: 281-999-7457



## Citation and Notification of Penalty

**To:**  
99 Cents Only Stores Texas, Inc.  
23623 Colonial Parkway  
Katy, TX 77493

**Inspection Number:** 427511  
**Inspection Date(s):** 03/21/2012 - 09/20/2012  
**Issuance Date:** 09/21/2012

**Inspection Site:**  
236623 Colonial Parkway  
Katy, TX 77493

*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 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.

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 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 09/21/2012. The conference will be held at the OSHA office located at 507 N. Sam Houston Parkway E., Suite 400, Houston, TX 77060 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 427511**

Company Name: 99 Cents Only Stores Texas, Inc.  
Inspection Site: 236623 Colonial Parkway, Katy, TX 77493  
Issuance Date: 09/21/2012

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, 507 N. Sam Houston Parkway E., Suite 400, Houston, TX 77060**

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:** 99 Cents Only Stores Texas, Inc.  
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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 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment had been performed through written certification that identified the workplace evaluated; the person certifying that the evaluation had been performed; the date(s) of the hazard assessment; and, identified the document as a certification of the hazard assessment

The employer does not verify that the required workplace hazard assessment is performed through a written certification. This violation occurred at the workplace where the employer did not certify that an hazard assessment was conducted, this exposed employees to dermal and eye hazards associated with anhydrous ammonia, Premium 2-Stage Hydrocracked Compressor Fluid, propylene glycol, and extreme cold temperatures.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that the workplace is assessed to determine if hazards are present, or likely to be present, which necessitate the use of personal protective equipment (PPE), such as but not limited to gloves, goggles, and/ or faceshield.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$5000.00



**Citation and Notification of Penalty**

**Company Name:** 99 Cents Only Stores Texas, Inc.  
**Inspection Site:** 236623 Colonial Parkway, Katy, TX 77493

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**Citation 1 Item 1 b** 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.

The employer does not ensure that each affected employee use appropriate eye or face protection. This violation occurred at the 99 Cents Only Stores where employees were exposed to eye hazards associated with anhydrous ammonia, Premium 2-Stage Hydrocracked Compressor Fluid, and propylene glycol.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that each employee use eye or face protection when exposed to eye or face hazards.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/05/2012

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

**Inspection Number:** 427511  
**Inspection Date(s):** 03/21/2012 - 09/20/2012  
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**Citation and Notification of Penalty**

**Company Name:** 99 Cents Only Stores Texas, Inc.  
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**Citation 1 Item 1 c** Type of Violation: **Serious**

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

The employer does not ensure that each affected employee use appropriate hand protection. This violation occurred at the 99 Cents Only Stores where employees were exposed to dermal hazards associated with anhydrous ammonia, Premium 2-Stage Hydrocracked Compressor Fluid, propylene glycol, and extreme cold temperatures.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that each employee use hand protection when exposed dermal hazards associated with extreme cold temperature hazards and hazardous chemical handling.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/05/2012

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:** 99 Cents Only Stores Texas, Inc.  
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**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.134(c)(1):

The employer did not develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use:

The employer does not develop nor implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. This violation occurred at the 99 Cents Only Stores where employees were required to wear a Panorama Nova full face respirator for draining oil in compressors and responding to potential anhydrous ammonia leaks, exposing employees to anhydrous ammonia.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that development and implementation of a written respiratory protection program with work-specific procedures and elements for required respirator use.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	10/05/2012
Proposed Penalty:	\$7000.00

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:** 99 Cents Only Stores Texas, Inc.  
**Inspection Site:** 236623 Colonial Parkway, Katy, TX 77493

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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 3 a** 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:

The employer does not develop, maintain, or implement at the workplace a written hazard communication program. This violation occurred in the 99 Cents stores facility where employees were exposed to dermal and eye hazards associated with anhydrous ammonia and propylene glycol.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that development of a written hazard communication program will be implemented. The documentation will include the how the criteria of labeling, material safety data sheets, and training will be met.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/05/2012  
\$7000.00



**Citation and Notification of Penalty**

**Company Name:** 99 Cents Only Stores Texas, Inc.  
**Inspection Site:** 236623 Colonial Parkway, Katy, TX 77493

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

29 CFR 1910.1200(f)(5)(i):

The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

The employer does not ensure that containers of drained refrigeration oil were labeled, tagged, or marked to identify contents. This violation occurred in the ammonia refrigeration engine room where employees were exposed to dermal and eye hazards when working with the unlabeled containers.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that containers holding drained refrigeration oil are labeled. The documentation will include how the criteria of labeling will be met.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/05/2012

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

Inspection Number: 427511  
Inspection Date(s): 03/21/2012 - 09/20/2012  
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**Citation and Notification of Penalty**

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

29 CFR 1910.1200(f)(5)(ii):

The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the appropriate hazard warnings:

The employer does not identify containers and convey the information required by 1910.1200 (f)(5). This violation occurred in the ammonia refrigeration engine room where employees were exposed to dermal and eye hazards when working with containers of refrigeration oil that did not identify the appropriate warning.

Pursuant to 29 C.F.R. 1903.19, within (10) calendar days of the abatement date the employer must submit documentation showing that it is in compliance with the standard, including the description of the steps that it is taking to ensure that containers holding drained refrigeration oil were labeled with the appropriate hazard warnings.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

10/05/2012

  
for **David A. Doucet**  
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  
507 N. Sam Houston Parkway E.  
Suite 400  
Houston, TX 77060  
Phone: 281-591-2438 Fax: 281-999-7457



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** 99 Cents Only Stores Texas, Inc.  
**Inspection Site:** 236623 Colonial Parkway, Katy, TX 77493  
**Issuance Date:** 09/21/2012

<b>Summary of Penalties for Inspection Number</b>	<b>427511</b>
<b>Citation 1, Serious</b>	<b>\$19000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$19000.00</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 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 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.

  
for **David A. Doucet**  
Area Director

9/21/2012  
Date