

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1400 Old Country Road  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



## Citation and Notification of Penalty

**To:**  
Big Lots Stores, Inc.  
501 Montauk Highway  
West Babylon, NY 11704

**Inspection Number:** 906749  
**Inspection Date(s):** 05/15/2013 - 05/15/2013  
**Issuance Date:** 11/15/2013

**Inspection Site:**  
501 Montauk Highway  
West Babylon, NY 11704

*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.

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 11/15/2013. The conference will be held by telephone or at the OSHA office located at 1400 Old Country Road, Suite 208, Westbury, NY 11590 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 906749**

Company Name: Big Lots Stores, Inc.  
Inspection Site: 501 Montauk Highway, West Babylon, NY 11704  
Issuance Date: 11/15/2013

~~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, 1400 Old Country Road, Suite 208, Westbury, NY 11590~~

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:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

---

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

29 CFR 1910.22(b)(2): Permanent aisles and passageways were not appropriately marked:

- a) Stockroom, Receiving Area - There were no apparent markings showing permanent aisles and passageways; on or about 05/15/13.
- b) Stockroom, Merchandise Area - There were no apparent markings showing permanent aisles and passageways; on or about 05/15/13.
- c) Stockroom, Furniture Area - There were no apparent markings showing permanent aisles and passageways; on or about 05/15/13.

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: 11/21/2013  
Proposed Penalty: \$4400.00



**Citation and Notification of Penalty**

---

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

---

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

29 CFR 1910.37(b)(4): Signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge when the direction of travel to the exit or exit discharge was not immediately apparent:

- a) Stockroom, Receiving Area - Facing East there was no visible "Exit Directional" sign showing the direction of travel to the east; on or about 05/15/13.
- b) Stockroom, Merchandise Area - Facing East there was no visible "Exit Directional" sign showing the direction of travel to the east; on or about 05/15/13.
- c) Stockroom, Furniture Area - Facing West there was no visible "Exit Directional" sign showing the direction of travel to the west; on or about 05/15/13.

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: 11/21/2013  
Proposed Penalty: \$5500.00

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

**Inspection Number:** 906749  
**Inspection Date(s):** 05/15/2013 - 05/15/2013  
**Issuance Date:** 11/15/2013



**Citation and Notification of Penalty**

---

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

---

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

29 CFR 1910.37(b)(5): Each doorway or passage along an exit access that could be mistaken for an exit was not marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g. closet):

Receiving Area/Electronics Room - There was no marking on the door leading to the electronics room that could be mistaken as an exit; on or about 05/15/13.

Note: Because abatement of this violation is already documented in the case file, the employer need not submit certification or documentation of abatement for this violation as normally required by CFR 1903.19.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$3300.00

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:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

---

**Citation 1 Item 4** 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) Workplace, throughout the facility - Employees were not provided with an educational program to familiarize them with fire extinguisher use; on or about 09/03/13.

\*ABATEMENT NOTE\* By this date the employer must either correct the alleged violation or implement a Fire Safety Policy; as outlined in 29 CFR 1910.38(a) and (b) which includes the evacuation requirements of 29 CFR 1910.157(b).

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: 12/05/2013  
Proposed Penalty: \$5500.00



**Citation and Notification of Penalty**

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

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 5 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:

a) Worksite - Employees use products such as but not limited to Formula 409, Antibacterial Kitchen All-Purpose Cleaner - Lemon Fresh, and VECTRA Floor Finish containing chemicals such as but not limited to Alkyl Dimethyl Benzyl Chloride, Lauramine Oxide, Diethylene Glycol Monoethyl Ether, to clean the bathrooms and floors. The employer did not maintain and implement a written hazard communication program; on or about 09/03/13.

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:	12/05/2013
Proposed Penalty:	\$3300.00



**Citation and Notification of Penalty**

---

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

---

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

29 CFR 1910.1200(g)(8): The employer did not ensure that material safety data sheets were readily accessible to the employees in their work area during each work shift:

a) Workplace, throughout the facility - Employees use products such as but not limited to Formula 409, Antibacterial Kitchen All-Purpose Cleaner - Lemon Fresh, and VECTRA Floor Finish, containing chemicals such as but not limited to Alkyl Dimethyl Benzyl Chloride, Lauramine Oxide, Diethylene Glycol Monoethyl Ether, to clean the bathrooms and floors. The employer did not ensure material safety data sheets were readily accessible; on or about 09/03/13.

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:

11/21/2013



**Citation and Notification of Penalty**

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

- a) Workplace, throughout the facility - Employees use products such as but not limited to Formula 409, Antibacterial Kitchen All-Purpose Cleaner - Lemon Fresh, and VECTRA Floor Finish containing chemicals such as but not limited to Alkyl Dimethyl Benzyl Chloride, Lauramine Oxide, Diethylene Glycol Monoethyl Ether, to clean the bathrooms and floors. The employees were not provided with effective training on the hazards of the chemicals; on or about 09/03/13.
- b) Workplace, throughout the facility - For those employees who only handle spills of chemicals in sealed containers which were not opened under normal conditions of use, the employer did not provide the employees with the training and information to protect them in the event of a spill or leakage. Employees who stock shelves on a regular basis clean up product because of breakage has spilled or leaked.

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:

12/05/2013



**Citation and Notification of Penalty**

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

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

29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair, with no obstruction across or in aisles that could create a hazard.

- a) Stockroom, Furniture area to Merchandise area, aisle - The aisle was obstructed by items such as but not limited to blue ribbon step ladder, boxes, and merchandise on a pallet; on or about 05/15/13.
- b) Stockroom, Receiving area to Electrical Room aisle - The aisle was obstructed by items such as merchandise on the floor and merchandise stored on a pallet; on or about 05/15/13.

Note: Because abatement of this violation is already documented in the case file, the employer need not submit certification or documentation of abatement for this violation as normally required by CFR 1903.19.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.22(b)(1), which was contained in OSHA inspection number 314211376, citation number 1, item number 2 and was affirmed as a final order on 05/27/2010, with respect to a workplace located at 165 S. White Horse Pike, Clementon, NJ 08021.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$22000.00



**Citation and Notification of Penalty**

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

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

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

a) Stockroom, Merchandise Area - The fire exit route was obstructed by items such as but not limited to merchandise. One section of the fire exit route was reduced to approximately 8 inches of clearance; on or about 05/15/13.

Note: Because abatement of this violation is already documented in the case file, the employer need not submit certification or documentation of abatement for this violation as normally required by CFR 1903.19.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3), which was contained in OSHA inspection number 314211376, citation number 2, item number 1 and was affirmed as a final order on 05/27/2010, with respect to a workplace located at 165 S. White Horse Pike, Clementon, NJ 08021.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3), which was contained in OSHA inspection number 314157280, citation number 2, item number 1 and was affirmed as a final order on 09/30/2010, with respect to a workplace located at 1010 Oneill Highway, Dunmore, PA 18512.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(a)(3), which was contained in OSHA inspection number 312497282, citation number 3, item number 1 and was affirmed as a final order on 05/27/2009 with respect to a workplace located at 2855 Selma Hwy, Montgomery, AL 36108.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$70000.00



**Citation and Notification of Penalty**

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704

**Citation 2 Item 3** 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:

a) Stockroom - Larger boxes of merchandise was stacked on top of smaller boxes of merchandise. Boxes of merchandise were crushed and leaning; on or about 05/15/13.

Note: Because abatement of this violation is already documented in the case file, the employer need not submit certification or documentation of abatement for this violation as normally required by CFR 1903.19.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.176(b), which was contained in OSHA inspection number 314157280, citation number 1, item number 4 and was affirmed as a final order on 09/30/2010, with respect to a workplace located at 1010 Oneill Highway, Dunmore, PA 18512.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.176(b), which was contained in OSHA inspection number 312497282, citation number 1, item number 2 and was affirmed as a final order on 05/27/2009 with respect to a workplace located at 2855 Selma Hwy, Montgomery, AL 36108.

Big Lots Stores, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.176(b), which was contained in OSHA inspection number 311829873, citation number 2, item number 1 and was affirmed as a final order on 09/02/2008 with respect to a workplace located at 10 Newbury Street, Danvers, MA 01923.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$55000.00

  
\_\_\_\_\_  
Anthony Ciuffo, CSP  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1400 Old Country Road  
Suite 208  
Westbury, NY 11590  
Phone: 516-334-3344 Fax: 516-334-3326



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Big Lots Stores, Inc.  
**Inspection Site:** 501 Montauk Highway, West Babylon, NY 11704  
**Issuance Date:** 11/15/2013

<b>Summary of Penalties for Inspection Number</b>	<b>906749</b>
<b>Citation 1, Serious</b>	<b>\$22000.00</b>
<b>Citation 2, Repeat</b>	<b>\$147000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$169000.00</b>

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.



**Anthony Ciuffo, CSP**

Area Director

11/15/13  
Date