

U.S. Department of Labor
Occupational Safety and Health Administration
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



Citation and Notification of Penalty

To:
CVS Albany, LLC
2151 86th Street
Brooklyn, NY 11214

Inspection Number: 895172
Inspection Date(s): 03/11/2013 - 03/11/2013
Issuance Date: 09/09/2013

Inspection Site:
2151 86th Street
Brooklyn, NY 11214

Attn: Marsha Hall
Jenifer Gamboa

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. 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 09/09/2013. The conference will be held by telephone or at the OSHA office located at 201 Varick Street, Room 908, New York, NY 10014 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 895172

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214
Issuance Date: 09/09/2013

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, 201 Varick Street, Room 908, New York, NY 10014**

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: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.24(h): Handrails were not provided on at least one side of closed stairways preferably on the right side descending.

Located at 2151 86th Street, Brooklyn, NY, Stairway from 1st to 2nd floor

On or about 3/11/2013

a) Stairway leading from the 1st to 2nd floor was missing a handrail. Employees use stairway to access locker-room and stockroom daily.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/19/2013
\$5500.00



Citation and Notification of Penalty

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.36(d)(1): Employee(s) were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

Located at 2151 86th Street, Brooklyn, NY, 2nd floor stockroom

On or about 3/11/2013

- a) The emergency exit door had a gate in front of the exit door and the gate was locked with a sliding lock.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/13/2013
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.37(a)(4): Safeguard(s) designed to protect employees during an emergency (e.g., sprinkler systems, alarm systems, fire doors, exit lighting), were not in proper working order at all times:

Located at 2151 86th Street, Brooklyn, NY, 2nd floor stockroom

On or about 3/11/2013

a) The fire exit door was not in proper working order. Exit door was stuck and required excessive force to open.

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/13/2013
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries

Located at 2151 86th Street, Brooklyn, NY

On or about 3/11/2013

a) Access to fire extinguisher was not readily accessible. A fire extinguisher located on the 2nd floor in stockroom was blocked with boxes and stored materials.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/19/2013
\$5500.00



Citation and Notification of Penalty

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.157(g)(1): Where the employer has provided portable fire extinguishers for employee use in the workplace, the employer did not provide an educational program to familiarize employees with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting.

located at 2151 86th Street, Brooklyn, NY

On or about 3/11/2013

a) The employer did not provide employees with training on the general principles of fire extinguisher use. Employees were not instructed on procedures in the event of a fire or other emergency.

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 AS PER 29 CFR 1903.19.

ABATEMENT NOTE: "BY THIS DATE THE EMPLOYER MUST EITHER CORRECT THE ALLEGED VIOLATIONS OR IMPLEMENT A FIRE SAFETY POLICY, AS OUTLINED IN 29 CFR 1910.38(a) & (b) WHICH INCLUDES THE EVACUATION REQUIREMENTS OF 29 CFR 1910.157 (B)."

Date By Which Violation Must be Abated:
Proposed Penalty:

09/19/2013
\$5500.00



Citation and Notification of Penalty

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition.

Located at 2151 86th Street, Brooklyn, NY, 2nd floor

On or about 3/11/2013

a) Stockroom area; floors were covered in a disorganized manner with cardboard boxes, plastic garbage bags and loose merchandise.

REPEAT STATEMENT

FIRST REPEAT

CVS Albany, LLC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, CFR 1910.22(a)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 31468574 CITATION NUMBER 01, ITEM NUMBER 001, ISSUED ON 12/10/2010

NOTE: FINAL ORDER DATE 3/26/2012

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2013
Proposed Penalty:	\$22000.00

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: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

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

Located at 2151 86th Street, Brooklyn, NY, 2nd floor stockroom area

On or about 3/11/2013

- a) Exit route to the public way was obstructed on the 2nd floor. The exit route beyond the exit door leading onto the roof and to the public way was obstructed by materials such as wood pallets, plastic crates and other items. The material behind the door prevented the door from opening wider than 14".
- b) Boxes, crates and other materials were stored in the aisles and passageways of the exit route leading to the exit door.
- c) A conveyor belt from the 1st floor to the 2nd floor reduces the width of the exit stairs to approximately 22 inches

REPEAT STATEMENT

SECOND REPEAT

CVS Pharmacy WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 1910.37(a)(3) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314685744 CITATION NUMBER 02, ITEM NUMBER 001, ISSUED ON 12/10/2010

NOTE: FINAL ORDER DATE 3/26/2012

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 AS PER 29 CFR 1903.19

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	09/19/2013
Proposed Penalty:	\$70000.00

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: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.159(c)(10): The minimum vertical clearance of 18 inches between automatic sprinkler systems sprinklers and the material below was not maintained

Located at 2151 86th Street, Brooklyn, NY, 2nd floor

On or about 3/11/2013

a) Throughout stockroom on 2nd floor boxes of merchandise were stored within 8-13 inches of the sprinkler heads.

REPEAT STATEMENT

FIRST REPEAT

CVS Pharmacy WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 1910.159(c)(10) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314685744 CITATION NUMBER 01, ITEM NUMBER 002, ISSUE ON 12/10/2010

NOTE: FINAL ORDER DATE 3/26/2012

NOTE: THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT CERTIFICATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1000.00 AS PER 29CFR1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/13/2013

Proposed Penalty:

\$27500.00

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: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

Citation 2 Item 4 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

Located at 2151 86th Street, Brooklyn, NY, 2nd floor stockroom.

On or about 3/11/2013

a) Boxes and other stored materials in the stockroom were stacked and at a height which was not stable and secure. Boxes stacked close to ceiling, positioned unevenly upon each other and leaning to the side.

REPEAT STATEMENT

FIRST REPEAT

CVS Pharmacy WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 1910.176(b) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314066481 CITATION NUMBER 01, ITEM NUMBER 006, ISSUE ON 08/16/2010

NOTE: FINAL ORDER DATE 2/29/2012

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 09/19/2013
Proposed Penalty: \$22000.00

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: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 2 Item 5 a Type of Violation: Repeat

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

Located at 2151 86th Street, Brooklyn, NY, 1st floor

On or about 3/11/2013

a) Junction Box was not effectively closed as it was missing knockouts; at conveyor belt, 1st floor.

REPEAT STATEMENT

FIRST REPEAT

CVS Caremark WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 1910.305(b)(1)(ii) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 314111477 CITATION NUMBER 01, ITEM NUMBER 002(a), ISSUED ON 11/12/2010

NOTE: FINAL ORDER DATE 3/03/2011

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/19/2013

Proposed Penalty:

\$27500.00

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: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214

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

29 CFR 1910.305(b)(2)(i): Pull boxes, junction boxes, and fittings were not provided with covers approved for the purpose:

Located at 2151 86th Street, Brooklyn, NY, 1st floor

On or about 3/11/2013

a) Junction Box was not provided with a cover. The Junction box mounted and located next to conveyor belt was open and did not have a cover installed.

REPEAT STATEMENT

FIRST REPEAT

CVS Caremark WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, ITS EQUIVALENT, OR ESSENTIALLY SIMILAR STANDARD, 1910.305(b)(2) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313431769 CITATION NUMBER 01, ITEM NUMBER 002, ISSUE ON 9/06/2011

NOTE: FINAL ORDER DATE 1/10/2012

NOTE: IN ADDITION TO ABATEMENT CERTIFICATION, THE EMPLOYER IS REQUIRED TO SUBMIT ABATEMENT DOCUMENTATION FOR THIS ITEM, FAILURE TO COMPLY WILL RESULT IN AN ADDITIONAL PENALTY OF \$1,000.00 AS PER 29 CFR 1903.19

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/19/2013



Kay Gee
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
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: CVS Albany, LLC
Inspection Site: 2151 86th Street, Brooklyn, NY 11214
Issuance Date: 09/09/2013

Summary of Penalties for Inspection Number	895172
Citation 1, Serious	\$30500.00
Citation 2, Repeat	\$169000.00
TOTAL PROPOSED PENALTIES	\$199500.00

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.

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.

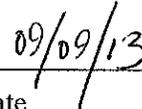
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per 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.



Kay Gee

Area Director



Date