

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9110 Fax: (808) 586-9104



Certified Mail Number: 7017 3380 0000 0979 5306

Citation and Notification of Penalty

To:
Native Imports LLC
dba Geobunga
560 N. Nimitz Hwy
Honolulu, HI 96817

Inspection Number: 1314738
Inspection Date(s): 05/03/2018-07/06/2018
Issuance Date: 07/10/2018

Inspection Site:
200 Keawe Street
Honolulu, HI 96813

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 describes violations of the Hawaii Occupational Safety and Health (HIOSH) Law. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation and Notification of Penalty, you file a contest in the manner described in the section "Employer's Right to Contest" on page 2 of this Citation and Notification of Penalty. Please refer to the enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) which outlines your rights and responsibilities and which should be read in conjunction with this Citation. Issuance of this Citation does not constitute a finding that a violation of the Law has occurred unless there is a failure to contest as allowed by Law or, if contested, the Citation is affirmed by the Hawaii Labor Relations Board (HLRB) 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 State 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 HIOSH Administrator during the 20 calendar 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. If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must 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 Administrator within 20 calendar 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 page 5, 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.

Employers' Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may also contest all citation items or only individual items. You may also contest the penalty and/or abatement dates without contesting the underlying violations. To contest you must submit a signed original letter of contest to the Administrator which must be postmarked or, if not mailed, received by the Administrator within 20 calendar days after you receive this Citation and Notification of Penalty. The letter of contest must be a signed original and may not be submitted by facsimile or e-mail. Address your letter of contest to the State of Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty. Once a letter of contest is received, it becomes the jurisdiction of the HLRB. If a timely contest is not filed, the Citation and Notification of Penalty will become a final order of the Department of Labor and Industrial Relations and may not be reviewed by any court or agency.

Penalty Payment - Penalties are due within 20 calendar days of receipt of this notification unless contested. Make your check or money order payable to "Director of Budget and Finance." Please indicate the Inspection Number found on the front page on the remittance. HIOSH 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 are required by Section 12-51-22 to submit an Abatement Certification to HIOSH. The certification must be sent by you within 5 calendar days of the abatement date indicated on the Citation. For Willful and Repeat violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the Citation is classified as Serious and the Citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the Citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement. The law also requires a copy of all abatement verification documents, required by Section 12-51-22 to be sent to HIOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 60 days after the discrimination occurred with the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty.

Employer Rights and Responsibilities - The enclosed booklet (Employer Rights and Responsibilities Following a HIOSH Inspection) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Employees' Right to Contest - 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 signed original contest must be mailed to the Hawaii Occupational Safety and Health Division at the address shown on the top of page 1 of this Citation and Notification of Penalty and postmarked within 20 calendar days 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 inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 30 calendar days after the Citation Issuance Date. 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.

ABATEMENT CERTIFICATION

Company Name: Native Imports LLC dba Geobunga
Inspection Site: 200 Keawe Street, Honolulu, HI 96813

Inspection Number: 1314738
Issuance Date: 07/10/2018

List the specific method of correction for each citation item and supporting documentation as appropriate in this **Citation and Notification of Penalty** that does not state "Corrected" and return to: **Department of Labor and Industrial Relations - Hawaii Occupational Safety and Health Division, 830 Punchbowl Street, Room 423, Honolulu, HI 96813.**

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

Citation _____ and Item _____ was corrected on _____
How corrected: _____

I attest that the information contained in this document is accurate and that the affected employees and their representative(s) have been informed of the abatement activities mentioned above and of their right to examine and copy this and all other abatement documents submitted to HIOSH.

Signature of the Employer or
Employer's Authorized Representative

Date

Typed or Printed Name

Title

Posting: For posting requirements please refer to Chapter 12-51, Hawaii Administrative Rules.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with the Hawaii Occupational Safety and Health Division (HIOSH) to discuss the Citation and Notification of Penalty issued on 07/10/2018.

The informal conference will be at the HIOSH office located at:

830 PUNCHBOWL STREET
ROOM 423
HONOLULU, HI 96813

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

State of Hawaii

Department of Labor and Industrial Relations
Hawaii Occupational Safety and Health Division

Inspection Number: 1314738
Inspection Date(s): 05/03/2018-07/06/2018
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Citation and Notification of Penalty

Company Name: Native Imports LLC dba Geobunga
Inspection Site: 200 Keawe Street, Honolulu, HI 96813

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

12-60-2(a)(3), HAR: Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used.

Establishment at 200 Keawe Street - Common practice existed at the workplace in which forklift operators did not use seatbelt systems when operating forklifts thus the employees were exposed to lack of restraint hazard with the potential to sustain serious bodily injuries. On May 3, 2018, a forklift operator, who was not using a seatbelt system, was ejected from a forklift and sustained fatal injuries when the forklift tipped over.

Date by Which Violation Must Be Abated: 07/16/2018
Penalty: \$12,675.00

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

12-60-2(a)(3), HAR: Every employer shall provide safe work places and practices by elimination or reduction of existing or potential hazards. Elimination of existing or potential hazards by design, process substitution, or other appropriate methods is preferred because it eliminates the need for further employee protection. When elimination is not feasible, reduction of existing or potential hazards to acceptable levels, using methods such as engineering or administrative controls, isolation, or guarding, shall be promptly used. When these methods are inadequate to reach acceptable levels, personal protective equipment shall be provided and used.

Warehouse area at 200 Keawe Street - Two rows of storage racks had all column base plates that were not anchored to the floor with anchor bolts thus exposing employees to struck-by hazards with the potential to sustained serious bodily injuries.

Feasible methods of abatement would be to anchor the column base plates of each rack to the floor using anchor bolts that meet the requirements of the American National Standard Institute MH 16.1, 2008, section 1.4.7 that requires all rack columns to be anchored to the floor with anchor bolts capable of resisting the forces caused by the horizontal and vertical loads on the racks.

Date by Which Violation Must Be Abated: Corrected
Penalty: \$3,622.00

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Inspection Number: 1314738
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Citation and Notification of Penalty

Company Name: Native Imports LLC dba Geobunga
Inspection Site: 200 Keawe Street, Honolulu, HI 96813

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

29 CFR 1910.305(b)(1)(ii) [Refer to 12-60-50(a), HAR]: Conductors entering boxes, cabinets, or fittings. (i) Conductors entering cutout boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. (ii) Unused openings in cabinets, boxes, and fittings shall be effectively closed.

Will call office at 200 Keawe Street - Circuit breaker panel box B had two unused switch openings that allowed energized parts to be exposed. The unused switch openings exposed the employees to electrical hazards with the potential for serious bodily injuries.

Date by Which Violation Must Be Abated: **Corrected**
Penalty: **\$3,622.00**

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

29 CFR 1910.178(l)(1)(ii) [Refer to 12-60-50(a), HAR]: Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this paragraphs (l), except as permitted by paragraph (l)(5).

Establishment at 200 Keawe Street - Five employees were allowed to operate forklifts even though they did not receive forklift operator training nor evaluation. Operation of forklifts by untrained workers exposes the employees to potential serious bodily injuries. On May 3, 2018, a forklift operator, who did not receive forklift operator training, was ejected from a forklift and sustained fatal injuries when the forklift tipped over.

Date by Which Violation Must Be Abated: **08/13/2018**
Penalty: **\$50,700.00**

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Citation and Notification of Penalty

Company Name: Native Imports LLC dba Geobunga
Inspection Site: 200 Keawe Street, Honolulu, HI 96813

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

29 CFR 1910.178(l)(6) [Refer to 12-60-50(a), HAR]: Certification. The employer shall certify that each operator has been trained and evaluated as required by this paragraph (l). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.

Establishment - At the time of inspection, there were no written certification records available to verify compliance with the powered industrial truck operator training and evaluation requirements for five workers who were allowed to operate forklifts.

Date by Which Violation Must Be Abated:
Penalty:

08/13/2018
\$0.00

TIN SHING CHAO
Health Branch Manager

State of Hawaii

Department of Labor and Industrial Relations
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
HONOLULU, HI 96813
Phone: (808) 586-9110 Fax: (808) 586-9104



SUMMARY OF PENALTIES

Company Name: Native Imports LLC dba Geobunga
Inspection Site: 200 Keawe Street, Honolulu, HI 96813
Issuance Date: 07/10/2018

Summary of Penalties for Inspection Number: 1314738

Citation 1 Item 1, Serious	\$12,675.00
Citation 1 Item 2, Serious	\$3,622.00
Citation 1 Item 3, Serious	\$3,622.00
Citation 2 Item 1, Willful-Serious	\$50,700.00
Citation 3 Item 1, Other-than-Serious	\$0.00

TOTAL PENALTIES: **\$70,619.00**

Make check or money order payable to the "**Director of Budget and Finance.**" Please indicate the *inspection number* and *dba*, if company name is different, on the remittance. A fee of \$25.00 will be charged for any returned checks.