

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



Citation and Notification of Penalty

To:
Home Depot
and its successors
2480 Brice Road
Reynoldsburg, OH 43068

Inspection Number: 892528
Inspection Date(s): 03/01/2013 - 03/22/2013
Issuance Date: 08/23/2013

Inspection Site:
2480 Brice Road
Reynoldsburg, OH 43068

7012 2210 0001 1865 8363

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 08/23/2013. The conference will be held by telephone or at the OSHA office located at 200 N. High Street, Room 620, Columbus, OH 43215 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 892528

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068
Issuance Date: 08/23/2013

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, 200 N. High Street, Room 620, Columbus, OH 43215**

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: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

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

29 CFR 1910.106(e)(6)(ii): Grounding. Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 F (37.8 C), shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floor plate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with:

a. On March 01, 2013, in the tech lab of the rental tool department of the store, employees were not required to ground or bond containers to a 25 gallon "gas caddy" during the transference of gasoline.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

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

29 CFR 1904.32(b)(3): How do I certify the annual summary? A company executive must certify that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the annual summary is correct and complete:

a. The employer failed to ensure that the company's highest executive examined and certified the OSHA 300 LOG, in that an electronic signature was used to certify the 2012 OSHA 300A summary.

Home Depot was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 314301565, citation number 2, item number 3 and was affirmed as a final order on July 24, 2012, with respect to a workplace located at 9115 N Loop 1604 San Antonio, Texas 78249.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	10/10/2013
Proposed Penalty:	\$5500.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

Citation 4 Item 2 Type of Violation: **Repeat**

29 CFR 1904.40(a): Basic requirement. When an authorized government representative asks for the records you keep under Part 1904, you must provide copies of the records within four (4) business hours:

a. On March 01, 2013, management was unable to produce OSHA 300 and 301 forms until 2:55 PM, after being requested at 9:15 AM.

Home Depot was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 311921050, citation number 2, item number 1 and was affirmed as a final order on March 1, 2012, with respect to a workplace located at 1035 Route 1 South Edison, New Jersey 08837.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$2200.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

Citation 4 Item 3 Type of Violation: **Repeat**

29 CFR 1910.37(a)(3): Exit routes must be free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route. The exit access must not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor. Stairs or a ramp must be provided where the exit route is not substantially level:

- a. The emergency exit in the DWCC area was blocked by pallets of material and a parked fork lift.

Home Depot was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 311137350, citation number 1, item number 1, and was affirmed as a final order on August 31, 2009, with respect to a workplace located at 172 Fulton Avenue, Hempstead, New York 11550.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$22000.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

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

Citation 4 Item 4 a Type of Violation: **Repeat**

29 CFR 1910.304(g)(5): Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent, continuous, and effective:

- a. On or about May 08, 2013, the extension cord used in the lumber department to energize the shop vacuum, that was used to clean up the saw dust, was missing the grounding pin.

Home Depot USA, was previously cited for a violation of this occupational safety and health standard or its equivalent standard (name previously cited standard), which was contained in OSHA inspection number 898827, citation number 1, item number 1 and was affirmed as a final order on 05/04/2013, with respect to a workplace located at 6190 Mid Rivers Mall Drive, Saint Peters, Missouri 63304.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$27500.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

Citation 4 Item 4 b Type of Violation: **Repeat**

29 CFR 1910.334(a)(2)(ii): If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee may use it until repairs and tests necessary to render the equipment safe have been made:

- a. The vertical panel saw in the lumber department was being used with a damaged electrical cord. The cord had been damaged in two locations and covered with electrical tape. Additionally the cord was pinched with zip ties, thereby exposing employees to contact with live electrical current.
- b. The extension cord used in the lumber department to energize the shop vacuum, used to clean up the saw dust, was missing the grounding pin.

Home Depot USA was previously cited for a violation of this occupational safety and health standard or its equivalent standard, which was contained in OSHA inspection number 890920, citation number 1, item number 1, and was affirmed as a final order on April 8, 2013, with respect to a workplace located at 80 Universal Blvd, Warwick, Rhode Island 02886.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

09/12/2013



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

Citation 4 Item 5 Type of Violation: Repeat

29 CFR 1910.305(b)(1)(ii): Unused openings in cabinets, boxes, and fittings shall be effectively closed.

a. In the electrical room on the South side of the building, there was an unused opening on cabinet EM, thereby exposing employees to a fire hazard:

b. On the North side of the building next to the door near the lumber department, the sensormatic box #4 had three unused openings, thereby exposing employees to a fire hazard.

c. On or about May 15, 2013, in the computer room, there was an unused opening at the bottom of panel SB, 240 Vac, thereby exposing employees to a fire hazard.

Home Depot was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 314387085, citation number 1, item number 3 and was affirmed as a final order on February 3, 2012, with respect to a workplace located at 3849 S. Delsea Drive, Vineland, New Jersey 08360.

Home Depot was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 312922818, citation number 1, item number 3 and was affirmed as a final order on November 24, 2010, with respect to a workplace located at 2828 South Highway 6, Houston, Texas 77082.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5500.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

Citation 4 Item 6 Type of Violation: Repeat

29 CFR 1910.305(g)(1)(iv): Unless specifically permitted otherwise in paragraph (g)(1)(ii) of this section, flexible cords and cables may not be used:

29 CFR 1910.305(g)(1)(iv)(A): As a substitute for the fixed wiring of a structure:

a. In the conference / training room there was an extension cord used as fixed wiring to energize outlets built into the table.

b. At the main entrance of the store, extension cords were being used as fixed wiring to energize a variety of electrical equipment.

Home Depot was previously cited for a violation of this occupational safety and health standard, which was contained in OSHA inspection number 314703208, citation number 1, item number 2, and was affirmed as a final order on August 26, 2010, with respect to a workplace located at 615 Arsenal Street, Watertown, Massachusetts 02471.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$27500.00



Citation and Notification of Penalty

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068

Citation 4 Item 7 Type of Violation: **Repeat**

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 2.44 m (8.0 ft) above the floor may have exposed terminals:

a. On May 15, 2013, in the vault, there was an outlet box that was missing a faceplate, thereby exposing employees to potential contact with live electrical current.

Home Depot was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(b)(2)(i), which was contained in OSHA inspection number 314387085, citation number 1, item number 3, and was affirmed as a final order on November 14, 2011, with respect to a workplace located at 2703 Burlington Road, Mount Holly, New Jersey 08060.

Home Depot was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.305(b)(2)(i), which was contained in OSHA inspection number 315017525, citation number 1, item number 1, and was affirmed as a final order on January 18, 2011, with respect to a workplace located at 1200 Mayberry Road, Highlands Ranch, Colorado 80129.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$55000.00

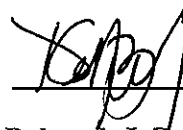
A handwritten signature in black ink, appearing to read "Deborah J. Zubaty", written over a horizontal line.

Deborah J. Zubaty
Area Director

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.



Deborah J. Zubaty
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
200 N. High Street
Room 620
Columbus, OH 43215
Phone: 614-469-5582 Fax: 614-469-6791



INVOICE / DEBT COLLECTION NOTICE

Company Name: Home Depot
Inspection Site: 2480 Brice Road, Reynoldsburg, OH 43068
Issuance Date: 08/23/2013

Summary of Penalties for Inspection Number	892528
Citation 3, Serious	\$5500.00
Citation 4, Repeat	\$145200.00
TOTAL PROPOSED PENALTIES	\$150700.00

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.