

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: (973)263-1003 FAX: (973)263-5502
OSHA Website Address: <http://www.osha.gov>



Citation and Notification of Penalty

To:
Jay Imports Co.
and its successors
7 Commerce ST.
Bayonne, NJ 07002

Inspection Number: 315438960
Inspection Date(s): 04/06/2011-10/04/2011
Issuance Date: 10/04/2011

Inspection Site:
7 Commerce ST.
Bayonne, NJ 07002

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or , if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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 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.

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 are required by 29 CFR 1903.19 to submit Abatement Certification and Documentation to the Area Director of the OSHA office issuing the citation and identified above. The certification and documentation must be sent by you within 10 calendar days of the abatement date indicated on the citation. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. Document examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification.

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. Enclosed for your convenience, is an Abatement Certification Form that you can use.

Any documents that are required should accompany your Certification Form.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, 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 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 Data Activity - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under 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, but not sooner than 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 FORM

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002
Issuance Date: 10/04/2011

Please list the specific method of correction and the date item was corrected for each item on this citation in this package that does not read "Corrected During Inspection" or "Quick Fix" and return this page with the signed Informal Settlement Agreement to: U.S. Department of Labor - Occupational Safety and Health Administration, 299 Cherry Hill Road, Suite 304, Parsippany, NJ 07054.

Where so indicated on the citation, additional documentation as proof of abatement must be included with this certification.

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item ____ was corrected on _____ by taking the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item ____ was corrected on _____ by taking the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item ____ was corrected on _____ by taking the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item ____ was corrected on _____ by taking the following action: _____

The hazard referenced in Inspection Number _____ for the violation identified as Citation _____ and Item ____ was corrected on _____ by taking the following action: _____

I hereby certify that the above certification is true and accurate. My signature also certifies that my employees and, where applicable, their representatives, have been informed of this abatement.

NAME OF COMPANY OFFICIAL

SIGNATURE

TITLE

DATE



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/04/2011. The conference will be held at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ, 07054 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed:

a) Warehouse

Exit routes and doors, which were labeled with an exit sign, were obstructed with boxes and pallets exposing employees to tripping hazards while trying to exit building.

Violation observed on or about 04/06/2011.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 3500.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

29 CFR 1910.37(b)(4): Lighting and marking were not adequate and appropriate. Direction of travel to the exit discharge was not immediately apparent, signs were not posted along the exit access indicating the direction of travel to the nearest exit and exit discharge. Additionally, the line-of-sight to an exit sign was not clearly visible at all times:

a) Warehouse

Exit signage was not posted to direct employees towards exit doors exposing employees to smoke inhalation.

Violation observed on or about 04/06/2011.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 3500.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

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

29 CFR 1910.133(a)(1): Each affected employee did not use appropriate eye or face protection when exposed to eye or face hazards from acids.

a) Warehouse - Battery Charging Stations:

Employees fill forklift batteries without safety glasses exposing employees to chemical burn hazards.

Violation disclosed on or about 04/06/2011 & 09/14/2011.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 2800.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

a) Warehouse - Battery Charging Stations:

Employees fill & charge fork truck batteries and are not provided with an emergency eye wash station exposing employees to chemical eye burns.

Violation observed on 04/06/2011 & on 09/14/2011.

Date By Which Violation Must be Abated: 10/28/2011

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

29 CFR 1910.136(a): The employer did not ensure that each affected employee use protective footwear when working in areas where there is a danger of foot injuries:

a) Warehouse

Employees handle heavy boxes and pallets exposing employees to foot crushing hazards.

Violation observed on or about 04/06/2011.

Date By Which Violation Must be Abated: 10/28/2011
Proposed Penalty: \$ 4200.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

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

a) Warehouse - Battery Charging Stations:

Employees fill forklift batteries wearing cotton work gloves or no gloves exposing employees to chemical burns.

Violation disclosed on or about 04/06/2011 and 09/14/2011.

Date By Which Violation Must be Abated:	10/28/2011
Proposed Penalty:	\$ 2800.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

Citation 1 Item 6a Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator was competent to operate a powered industrial truck safely, by successfully completing training and evaluation required by this paragraph:

a) Warehouse

Forklifts are being operated by employees who did not receive training exposing employees to struck by hazards.

Violations disclosed on or about 04/06/2011.

Date By Which Violation Must be Abated:	11/18/2011
Proposed Penalty:	\$ 4900.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

Citation 1 Item 6b Type of Violation: **Serious**

29 CFR 1910.178(l)(4)(ii)(A): Refresher training was not provided to the operator when the operator was observed operating the vehicle in an unsafe manner:

a) Warehouse

Trained forklift operators were operating the forklifts in a unsafe manner when they transport and elevate employees on the forklift forks exposing employees to struck by and fall hazards.

Violation disclosed on or about 04/06/2011.

Date By Which Violation Must be Abated: 11/18/2011

Citation 1 Item 7 Type of Violation: **Serious**

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

a) Establishment Warehouse

Employees access circuit breaker panel to turn on/off warehouse lights with openings exposing employees to shock hazards.

Violation observed on or about 04/06/2011.

Date By Which Violation Must be Abated: 10/28/2011
Proposed Penalty: \$ 2800.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

Citation 1 Item 8a Type of Violation: **Serious**

29CFR1910.1200(e)(1) The employer failed to maintain at each workplace a written hazard communication program as required.

a) Establishment

Employees were exposed to sulfuric acid when filling fork truck batteries exposing employees to chemical health & physical hazards.

Violation disclosed on or about 04/06/2011 & 09/14/2011.

Date By Which Violation Must be Abated:	11/18/2011
Proposed Penalty:	\$ 2800.00



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

Citation 1 Item 8b Type of Violation: **Serious**

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used:

a) Warehouse

The employer did not have material safety data sheets for sulfuric acid in the fork truck battery. Employees were exposed to chemical physical & health hazards.

Violation disclosed on or about 04/06/2011 & 09/14/2011.

Date By Which Violation Must be Abated: 11/18/2011

Citation 1 Item 8c Type of Violation: **Serious**

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(1) and (2) on hazardous materials in their work area, at the time of their initial assignment and whenever a new hazard is introduced into their work area:

a) Warehouse

The employer did not train employees in regards to the hazards related to the sulfuric acid in fork truck batteries. Employees are exposed to physical & health chemical hazards.

Violation disclosed on or about 04/06/2011.

Date By Which Violation Must be Abated: 11/18/2011



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to fall hazards while being elevated on a forklift:

a) Warehouse

Employees were elevated at a height of 20ft while standing on fork truck forks exposing employees to a fall hazard.

Violation disclosed on or about 04/06/2011.

Among other methods, the following is feasible and acceptable means of abatement:

1. Use operator-up high lift trucks modified to lift personnel in accordance with ANSI/ITSDF B56.1-2009 Safety Standard for Low Lift and High Lift Trucks, Section 4.17.1.
2. Use a high lift order picker rider truck designed to lift personnel in accordance with ANSI/ITSDF B56.1-2009 Safety Standard for Low Lift and High Lift Trucks.
3. Lower pallet to ground level for employees to pick individual boxes.

Date By Which Violation Must be Abated:	10/21/2011
Proposed Penalty:	\$ 49000.00

See pages 1 through 5 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002

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

29 CFR 1910.178(m)(3): A safe place to ride was not provided where riding a powered industrial truck(s) was authorized:

a) Warehouse:

Employees ride the forks of the forklift exposing employees to struck-by hazards.

Violation observed on or about 04/06/2011.

b) Warehouse:

Employees ride the forks of the forklift exposing employees to struck-by hazards.

Violation observed on or about 05/13/2011.

Date By Which Violation Must be Abated:	10/21/2011
Proposed Penalty:	\$ 49000.00


Kris Hoffman
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

299 Cherry Hill Road

Suite 103

Parsippany, NJ 07054

Phone: (973)263-1003 FAX: (973)263-5502

OSHA Website Address: <http://www.osha.gov>



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Jay Imports Co.
Inspection Site: 7 Commerce ST., Bayonne, NJ 07002
Issuance Date: 10/04/2011

Summary of Penalties for Inspection Number 315438960

Citation 1, Serious	= \$	27300.00
Citation 2, Willful	= \$	98000.00
TOTAL PROPOSED PENALTIES	= \$	125300.00

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 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 5%. 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.



Kris Hoffman
Area Director

10/04/2011

Date