

U.S. Department of Labor

Occupational Safety and Health Administration
1030 St. Georges Avenue
Suite 205, Plaza 35
Avenel, NJ 07001
Phone: 732-750-3270 Fax: 732-750-4737



Citation and Notification of Penalty

To: Mr. James Gannon, Workers Compensate M
Mavis Tire Supply Corp., dba Mavis Discount Tires
and its successors
343 South Ave East
Westfield, NJ 07090

Inspection Number: 1135880
Inspection Date(s): 03/30/2016 - 03/30/2016
Issuance Date: 09/29/2016

Inspection Site:
343 South Ave East
Westfield, NJ 07090

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions 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 09/29/2016. The conference will be held by telephone or at the OSHA office located at 1030 St. Georges Avenue, Suite 205, Plaza 35, Avenel, NJ 07001 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1135880

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090
Issuance Date: 09/29/2016

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, 1030 St. Georges Avenue, Suite 205, Plaza 35, Avenel, NJ 07001**

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

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

Inspection Number: 1135880
Inspection Date(s): 03/30/2016 - 03/30/2016
Issuance Date: 09/29/2016



Citation and Notification of Penalty

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent):

a) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Back Room Area: Employer did not guard an open sided platform next to a conveyor, in order to prevent employees from falling approximately 9 ft to the ground below.

Condition observed on or about March 30, 2016.

Date By Which Violation Must be Abated:	10/26/2016
Proposed Penalty:	\$8908.00

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

Inspection Number: 1135880
Inspection Date(s): 03/30/2016 - 03/30/2016
Issuance Date: 09/29/2016



Citation and Notification of Penalty

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

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

29 CFR 1910.23(e)(2): Stair rails did not consist of a top rail, intermediate rail and/or posts, with the vertical height not more than 34 inches (86.36 cm) nor less than 30 inches (76.2 cm) from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread:

a) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Back Room Area: Employer did not ensure that stairs were provided with an intermediate railing on the open-sided side, in order to prevent employees from falling approximately 9ft to the ground below.

Condition observed on or about March 30, 2016.

Date By Which Violation Must be Abated:	10/26/2016
Proposed Penalty:	\$8908.00

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: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

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 3 a Type of Violation: **Serious**

29 CFR 1910.37(a)(2): Exit access(es) were not arranged so that it would not be necessary to travel toward any area of high hazard in order to reach the nearest exit, and the path of travel was not effectively shielded from the high hazard location by suitable partitions or other physical barriers:

a) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Back Room: Employer did not ensure that exit access was free of hazards. Compressed gases such as but not limited to Oxygen and Acetylene were stored next to the emergency exit door an area normally used or intended for the safe exit of people.

Condition observed on or about March 30, 2016.

Date By Which Violation Must be Abated:	10/19/2016
Proposed Penalty:	\$8908.00

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: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

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

29 CFR 1910.253(b)(4)(iii): Oxygen cylinders in storage were not separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour:

a) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Back Room Area: Employer did not ensure that Oxygen cylinder was separated from a fuel gas cylinder. Oxygen and Acetylene cylinders were stored next to each other.

Condition observed on or about March 30, 2016.

Date By Which Violation Must be Abated:

10/19/2016



Citation and Notification of Penalty

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

Citation 1 Item 4 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) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Back Room Area: Employer did not ensure that signs were posted along the exit access indicating the direction of travel to the nearest exit in the back room area as the line-of-sight to an exit door and an exit sign was not clearly visible.

Condition observed on or about March 30, 2016.

Date By Which Violation Must be Abated:
Proposed Penalty:

10/19/2016
\$7126.00

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

Inspection Number: 1135880
Inspection Date(s): 03/30/2016 - 03/30/2016
Issuance Date: 09/29/2016



Citation and Notification of Penalty

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

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(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s):

a) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Throughout the Shop: The employer did not provide safety data sheets for acetylene and oxygen gas which are used on site when requested by CSHO.

Condition observed on March 30, 2016.

Date By Which Violation Must be Abated:	10/26/2016
Proposed Penalty:	\$7126.00

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: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

Citation 1 Item 5 b 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 on was introduced into their work area:

a) Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ-Throughout the Shop: Employer did not ensure that employees required to use chemicals including flammables and irritants were provided with information and training on hazards associated with handling of these chemical products. Employees used chemical products such as but not limited to Safety Seal liquid patch and Rim & Bead Sealer.

Condition observed on or about March 30, 2016.

Date By Which Violation Must be Abated:

10/26/2016



Citation and Notification of Penalty

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

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

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route:

Mavis Tire Supply Corp. dba Mavis Discount Tires/Westfield, NJ- Throughout the shop- The exit route was obstructed by materials placed within the exit route exposing employees to a fire hazard:

a) Exit route from the back room/tire storage area to the emergency exit door by the conveyor was obstructed by tires stored within the exit route and a 55 gallon drums filled with used metal parts placed in front of the door.

Condition observed on or about March 30, 2016 and again on May 3, 2016.

b) Two exit routes from the basement were observed obstructed. Exit route near the chemical storage was obstructed by pallets and the exit route near the conveyor was obstructed by 55 gallon drums filled with used metal parts placed in front of the door.

Condition observed on or about March 30, 2016 and again on May 3, 2016.

The Mavis Discount Tires 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 1052756, citation number 1, item number 1 and was affirmed as a final order on 05/19/2015, with respect to a workplace located at 308 Route 22, Green Brook, NJ 08812.

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

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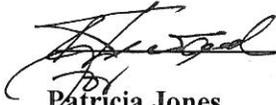


Citation and Notification of Penalty

Company Name: Mavis Tire Supply Corp., dba dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 10/05/2016
Proposed Penalty: \$62355.00


Patricia Jones
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
1030 St. Georges Avenue
Suite 205, Plaza 35
Avenel, NJ 07001
Phone: 732-750-3270 Fax: 732-750-4737



INVOICE / DEBT COLLECTION NOTICE

Company Name: Mavis Tire Supply Corp., dba Mavis Discount Tires
Inspection Site: 343 South Ave East, Westfield, NJ 07090
Issuance Date: 09/29/2016

Summary of Penalties for Inspection Number	1135880
Citation 1, Serious	\$40976.00
Citation 2, Repeat	\$62355.00
TOTAL PROPOSED PENALTIES	\$103331.00

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. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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.



Patricia Jones
Area Director

9/29/16
Date