

## U.S. Department of Labor

Occupational Safety and Health Administration  
690 S. Loop 336 West  
Suite 400  
Conroe, TX 77304  
Phone: 936-760-3800 Fax: 936-760-3327



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# Citation and Notification of Penalty

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**To:**  
Quality Christmas Tree, Ltd, dba Houston Garden  
Center  
and its successors  
5345 W. Loop South  
Houston, TX 77081

**Inspection Site:**  
1700 W. Loop North  
Houston, TX 77008

**Inspection Number:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
**Issuance Date:** 03/28/2016

*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.*

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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](http://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](http://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 03/28/2016. The conference will be held by telephone or at the OSHA office located at 690 S. Loop 336 West, Suite 400, Conroe, TX 77304 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1109943**

Company Name: Quality Christmas Tree, Ltd, dba Houston Garden Center  
Inspection Site: 1700 W. Loop North, Houston, TX 77008  
Issuance Date: 03/28/2016

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, 690 S. Loop 336 West, Suite 400, Conroe, TX 77304**

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:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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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 1 a** Type of Violation: **Serious**

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of being exposed to communicable diseases which are causing or likely to cause death or serious physical harm to employees:

At the facility where employees were exposed to contact and ingestion hazards when using the restrooms without toilet paper available.

Among feasible methods to correct the identified hazard, one method would be to provide toilet paper per ANSI Z4.1: For Sanitation- In Places of Employment- Minimum Requirements, Section 6.1.4.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$6000.00

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:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
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**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.141(d)(2)(ii): Lavatories were not provided with hot and cold, or tepid running water:

At the facility where employees were exposed to contact and ingestion hazards when using the restrooms without hot or tepid water.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/04/2016

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

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**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
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**Citation 1 Item 1 c** Type of Violation: **Serious**

29 CFR 1910.141(d)(2)(iii): Lavatories were not provided with hand soap or similar cleansing agent:

At the facility where employees were exposed to contact and ingestion hazards when using the restrooms without the employer providing hand soap or an equivalent hand sanitizer.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/04/2016

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

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**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.141(d)(2)(iv): Lavatories were not provided with individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling:

At the facility where employees were exposed to contact and ingestion hazards when using the women's restrooms without hand towels, warm air blower or other means for drying hands.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/04/2016

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Occupational Safety and Health Administration

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**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
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**Citation 1 Item 2** Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer does not furnish to each of his employees employment and a place of employment which are free from the recognized hazards of falls from elevated work platforms which are causing or likely to cause death or serious physical harm to employees:

At the facility where employees were exposed to fall hazards when using bins and wooden pallets elevated by a Komatsu 25 forklift to dump trash into a dumpster.

Among feasible methods to correct the identified hazard, one method would be to use fall restraint means, such as guardrail and/or personal fall protection system per ANSI/ITSDF B56.1: Safety Standard for Low Lift and High Lift Trucks, Section 4.17.2.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Occupational Safety and Health Administration

**Inspection Number:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
**Issuance Date:** 03/28/2016



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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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 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

At the facility where employees were exposed to struck-by hazards when using a chain saw to cut Christmas trees without leg protection.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$5000.00

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:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
**Issuance Date:** 03/28/2016



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE):

At the facility where employees were exposed to struck-by hazards when using a chain saw to cut Christmas trees without leg protection.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/04/2016

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:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

At the facility, employees were exposed to struck-by and contact hazards when performing the following tasks without the use of eye and/or face protection:

- 1) Pouring Clorox to clean bathrooms (no safety glasses),
- 2) Using a nail gun to make tree stands (no safety glasses), and
- 3) Using a chain saw to cut Christmas trees (no safety glasses and no face shield).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$5000.00



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.138(a): The employer did not select and require employee(s) 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 abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

At the facility, employees were exposed to contact hazards when performing the following tasks without the use of hand protection:

- 1) Pouring Clorox to clean bathrooms (no gloves),
- 2) Changing propane tank on a forklift (no gloves), and
- 3) Using a chain saw to cut Christmas trees (no gloves).

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$5000.00

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**  
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**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
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**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.178(l)(1)(ii): The employer did not ensure that each operator had successfully completed the training required by paragraph (l), except as permitted by paragraph (l)(5), prior to permitting an employee to operate a power industrial truck:

At the facility where laborers were exposed to crushed-by hazards when operating a Komatsu 25 forklift for taking trash to the dumpster and moving product without forklift training.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$5000.00

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:** 1109943  
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**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
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Citation 1 Item 7 Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

Located in the greenhouse where employees were exposed to electrical and fire hazards when a breaker panel with breakers powering greenhouse and shade house lights was not labeled.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$5000.00

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:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
**Issuance Date:** 03/28/2016



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.304(f)(1)(viii): Circuit breakers used as switches in 120-volt and 277-volt, fluorescent lighting circuits were not listed and marked "SWD":

Located in the greenhouse where employees were exposed to electrical and fire hazards when using breakers as an on-off switch for the greenhouse and shade house lights.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$5000.00

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:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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**Citation 1 Item 9** Type of Violation: **Serious**

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

At the facility:

- a) Located adjacent to the cash registers, employees were exposed to electrical and fire hazards from an electrical box that was not equipped with a cover.
- b) Located in the shade house, employees were exposed to electrical and fire hazards from an electrical box that was not equipped with a cover.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
**Issuance Date:** 03/28/2016



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.305(c)(4): Snap switches mounted in boxes did not have faceplates installed so as to completely cover the opening and seat against the finished surface:

At the facility where employees were exposed to electrical and fire hazards from a broken faceplate that exposed portions of a light switch.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$5000.00

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

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**Issuance Date:** 03/28/2016



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**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
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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 11 a      Type of Violation: **Serious**

29 CFR 1910.305(e)(1): Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations were not installed to prevent moisture or water from entering and accumulating within the enclosures:

Located in the shade house, employees were exposed to electrical and fire hazards from an electrical box that was not equipped with a cover.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$5000.00

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**  
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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.305(j)(2)(vi): A receptacle installed in a wet location where the product intended to be plugged into it was not to be attended while in use (for example, sprinkler system controllers, landscape lighting, and holiday lights) did not have an enclosure that was weatherproof with the attachment plug cap inserted or removed:

Located in the shade house, employees were exposed to electrical and fire hazards from a receptacle used for the automatic sprinkler system that was not equipped with an enclosure that was weatherproof.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$5000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
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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 13 a      Type of Violation: **Serious**

29 CFR 1910.1200(f)(5)(i): The employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the identity of the hazardous chemical(s) contained therein:

At the facility where employees were exposed to contact hazards when using a plastic bottle containing Mobil Hydraulic 10W oil that was not labeled with the identity of its contents.

Or, In the Alternative:

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$3000.00

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:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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**Citation 1 Item 13 b**      Type of Violation: **Serious**

29 CFR 1910.1200(f)(1)(ii): The chemical manufacturer, importer, or distributor did not ensure that each container of hazardous chemicals leaving the workplace was labeled, tagged or marked with the appropriate hazard warnings:

At the facility where employees were exposed to contact hazards when using a plastic bottle containing Mobil Hydraulic 10W oil that was not labeled with hazard warnings.

Or, In the Alternative:

29 CFR 1910.1200(f)(6)(ii): Except as provided in 29 CFR 1910.1200(f)(7) and 29 CFR 1910.1200(f)(8), the employer did not ensure that each container of hazardous chemicals in the workplace was labeled, tagged or marked with the product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals and which, in conjunction with the other information immediately available to employees under the hazard communication program, would provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/04/2016

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Occupational Safety and Health Administration

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

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:

During November and December 2015, at the facility where employees were exposed to contact hazards when using corrosive chemicals such as, but not limited to, Clorox bleach for cleaning bathrooms without the eye wash being readily assessable.

The Quality Christmas Tree Ltd was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.151(c) which was contained in OSHA inspection number 1042773, citation number 1, item number 2, and was affirmed as a final order on June 17, 2015 with respect to a workplace located at 14800 I-45, Spring, TX 77386.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/04/2016
Proposed Penalty:	\$25000.00

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:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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 2 a** Type of Violation: **Repeat**

29 CFR 1910.1200(e)(1): Employer had not developed or implemented a written hazard communication program included the requirements outlined in 29 CFR 1910.1200(e)(1)(i) and (e)(1)(ii):

During October through December 2015, at the facility where employees were exposed to contact, fire, and ingestion hazards when working with chemicals such as, but not limited to, Clorox, propane, lubricants, fertilizers, and insecticides when performing tasks to maintain the store including the plants, flowers and trees without developing and implementing a hazard communication program.

The Quality Christmas Tree Ltd was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.1200(e)(1) which was contained in OSHA inspection number 1042773, citation number 1, item number 3a, and was affirmed as a final order on June 30, 2015 with respect to a workplace located at 14800 I-45, Spring, TX 77386.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	04/11/2016
Proposed Penalty:	\$25000.00

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:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1910.1200(g)(1): Employers did not have a safety data sheet in the workplace for each hazardous chemical which they use:

During November and December 2015, at the facility where employees were exposed to contact hazards when using Mobil Hydraulic 10W oil without maintain the safety data sheet.

The Quality Christmas Tree Ltd was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.1200(g)(1) which was contained in OSHA inspection number 1042773, citation number 1, item number 3(b), and was affirmed as a final order on June 17, 2015 with respect to a workplace located at 14800 I-45, Spring, TX 77386.

Date By Which Violation Must be Abated:

Corrected During Inspection



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

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 about was introduced into their work area:

During October through December 2015, at the facility where employees were exposed to contact, fire, and ingestion hazards when working with chemicals such as, but not limited to, Clorox, propane, lubricants, fertilizers, and insecticides without providing training on hazardous chemicals in their work area.

The Quality Christmas Tree Ltd was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.1200(h)(1) which was contained in OSHA inspection number 1042773, citation number 2, item number 2, and was affirmed as a final order on June 30, 2015 with respect to a workplace located at 14800 I-45, Spring, TX 77386.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

04/11/2016

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

**Inspection Number:** 1109943  
**Inspection Date(s):** 12/03/2015 - 01/13/2016  
**Issuance Date:** 03/28/2016



**Citation and Notification of Penalty**

**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008

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

29 CFR 1904.39(a)(2): The employer did not report an in-patient hospitalization, amputation, or loss of an eye as a result of a work-related incident to OSHA within twenty-four (24) hours.

At the facility where a work related in-patient hospitalization of an employee that fell from a bin elevated by a forklift was not reported to OSHA within 24 hours.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$1000.00

A handwritten signature in cursive script that reads "Joann J. Figueroa".

**Joann J. Figueroa**  
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  
690 S. Loop 336 West  
Suite 400  
Conroe, TX 77304  
Phone: 936-760-3800 Fax: 936-760-3327



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Quality Christmas Tree, Ltd, dba Houston Garden Center  
**Inspection Site:** 1700 W. Loop North, Houston, TX 77008  
**Issuance Date:** 03/28/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1109943</b>
<b>Citation 1, Serious</b>	<b>\$66000.00</b>
<b>Citation 2, Repeat</b>	<b>\$50000.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$1000.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$117000.00</b>

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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](http://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.

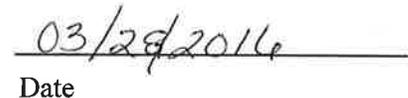
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%)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



**Joann J. Figueroa**

Area Director



Date