

U.S. Department of Labor
Occupational Safety and Health Administration
Manhattan Area Office
201 Varick Street, Room 908
New York, NY 10014
Phone: (212)620-3200 FAX: (212)620-4120



Citation and Notification of Penalty

To:
Rite Aid of New York, Inc - Store# 10574
and its successors
30 Hunter Lane
Camp Hill, PA 17011

Inspection Number: 316069319
Inspection Date(s): 11/14/2011-11/14/2011
Issuance Date: 05/11/2012

Inspection Site:
7118 3rd Avenue
Brooklyn, NY 11209

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.

Attn: Stephane Caite, Senior Safety Manager

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.

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



Citation and Notification of Penalty

Company Name: Rite Aid of New York, Inc - Store# 10574
Inspection Site: 7118 3rd Avenue, Brooklyn, NY 11209

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

29 CFR 1910.36(d)(1): Employees must be able to open an exit route door from the inside at all times without keys, tools, or special knowledge. A device such as a panic bar that locks only from the outside is permitted on exit discharge doors.

Location: In courtyard of 7118 3rd Ave;

On or about 11/14/11;

- a) Employees in the store cafeteria and basement were required to egress through a courtyard that had an exit door/gate that was locked with padlocks.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3300.00



Citation and Notification of Penalty

Company Name: Rite Aid of New York, Inc - Store# 10574
Inspection Site: 7118 3rd Avenue, Brooklyn, NY 11209

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

29 CFR 1910.303(b)(7): Electric equipment shall be installed in a neat and workmanlike manner.

Location: Inside store basement;

On or about 11/14/11;

- a) The basement store lights were not installed in a neat and workmanlike manner. The lights were not protected by cages to prevent electric hazards while stacking boxes in the store basement.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 3300.00

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: Rite Aid of New York, Inc - Store# 10574
Inspection Site: 7118 3rd Avenue, Brooklyn, NY 11209

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

29 CFR 1910.23(c)(1): Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides.

Location: Inside the basement stockroom;

On or about 11/14/11;

- a) Employees were exposed to a fall of approx 10 ft while stacking boxes and totes on the unguarded edges of the right hand side and the left hand side of the stairs.

REPEAT STATEMENT

RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, OR ITS EQUIVALENT STANDARD, 1926.23(c)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310754841, CITATION NUMBER 1, ITEM NUMBER 1, AND WAS AFFIRMED AS FINAL ORDER ON 07/22/08, WITH RESPECT TO A WORKPLACE LOCATED AT 5865 SUCCESS DRIVE, ROME NY 13440.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 38500.00

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: Rite Aid of New York, Inc - Store# 10574
Inspection Site: 7118 3rd Avenue, Brooklyn, NY 11209

Citation 2 Item 2 Type of Violation: Repeat

29 CFR 1910.36(g)(2): An exit access must be at least 28 inches (71.1 cm) wide at all points. Where there is only one exit access leading to an exit or exit discharge, the width of the exit and exit discharge must be at least equal to the width of the exit access.

Location: Inside basement of store;

On or about 11/14/11;

- a) Exit routes were blocked by shelves and boxes that restricted the routes to approximately 21.5 inches wide.

REPEAT STATEMENT

RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, OR ITS EQUIVALENT STANDARD, 1926.36(d)(1) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310754841, CITATION NUMBER 1, ITEM NUMBER 3b, AND WAS AFFIRMED AS FINAL ORDER ON 07/22/08, WITH RESPECT TO A WORKPLACE LOCATED AT 5865 SUCCESS DRIVE, ROME NY 13440.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 22000.00

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Citation and Notification of Penalty

Company Name: Rite Aid of New York, Inc - Store# 10574
Inspection Site: 7118 3rd Avenue, Brooklyn, NY 11209

Citation 2 Item 3 Type of Violation: **Repeat**

29 CFR 1910.176(b): Secure storage. Storage of material shall not create a hazard. Bags, containers, bundles, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

Location: In basement storage room;

On or about 11/14/11;

- a) Employer did not ensure that boxes of merchandise were stacked in a manner that would protect against sliding and collapse.

SECOND REPEAT

RITE AID OF NEW YORK, INC WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD, OR ITS EQUIVALENT STANDARD, 1910.176(b) WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 309600351, CITATION NUMBER 2, ITEM NUMBER 1, AND WAS AFFIRMED AS FINAL ORDER ON 9/15/07, WITH RESPECT TO A WORKPLACE LOCATED AT 1179 E. 23rd St., Bronx. NY 10466.

NOTE: BECAUSE ABATEMENT OF THIS VIOLATION IS ALREADY DOCUMENTED IN THE CASEFILE, THE EMPLOYER NEED NOT SUBMIT CERTIFICATION NOR DOCUMENTATION OF ABATEMENT OF THIS VIOLATION AS NORMALLY REQUIRED BY 29 CFR 1903.19.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 44000.00



Kay Gee
Area Director

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

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



INVOICE/ DEBT COLLECTION NOTICE

Company Name: Rite Aid of New York, Inc - Store# 10574
Inspection Site: 7118 3rd Avenue, Brooklyn, NY 11209
Issuance Date: 05/11/2012

Summary of Penalties for Inspection Number 316069319

Citation 1, Serious	= \$	6600.00
Citation 2, Repeat	= \$	104500.00
TOTAL PROPOSED PENALTIES	= \$	111100.00

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 full amount due and will cash the check or money order as if these restrictions or conditions, or endorsements 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 or 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 charges are assessed at an annual rate determined by the Secretary of Treasury. This rate is currently 3%.

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 3%. 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.



Kay Gee
Area Director

5/11/12

Date