



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.37(b)(7): Each exit sign must have the word "Exit" in plainly legible letters:

(a) On or about 08/29/11, at the doorway between the "GM" area and the assembly area, an exit sign had been broken so that the word "Exit" was missing from the sign..

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/06/2012
Proposed Penalty: \$ 4400.00

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

29 CFR 1910.146(c)(1): The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue in Rochester, NY., the employer did not evaluate the workplace to determine if any spaces including but not limited to the Marathon RJ-100sc compactor was a confined space.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012
Proposed Penalty: \$ 7000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.146(c)(2): The employer did not inform exposed employees, by posting danger signs or by any other equally effective means, of the existence and location of and the danger posed by the permit spaces:

(a) On or about 08/02/11, at the grocery receiving dock, an employee entered a trash compactor Marathon RJ-100sc, without being informed by posted danger signs or by any other equally effective means about hydraulic stored energy in the compactor.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 7000.00

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

29 CFR 1910.146(c)(4): When the employer decided that its employees would enter permit spaces, the employer did not develop and implement a written permit space entry program that complied with 29 CFR 1910.146:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue in Rochester, NY., the employer did not develop an entry program for the Marathon RJ-100sc and did not implement procedures as required by 1910.146. This violation was most recently observed when an employee entered an energized compactor.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.146(c)(8)(v): When an employer arranged to have employees of another employer (contractor) perform work that involved permit space entry, the host employer did not debrief the contractor at the conclusion of the entry operations regarding the permit space program followed and regarding any hazards confronted or created in permit spaces during operations:

(a) On about 08/04 and 08/05/11, at the Walmart store #2859, located on 2150 Chili Avenue in Rochester, NY., the employer (as the host employer) did not arrange to discuss or share information regarding hazards or precautions taken during the entry of a permit required confined space such as the Marathon RJ-100sc trash compactor.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 4400.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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 1910.146(g)(1): The employer did not provide training so that all employees whose work was regulated by 29 CFR 1910.146, Permit required confined spaces, acquired the understanding, knowledge, and skills necessary for the safe performance of the duties assigned:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue, in Rochester, NY., employees entering a permit confined space did not receive training to understand safe procedures such as relieving hydraulic stored energy prior to entry to the Marathon RJ-100sc trash compactor.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 7000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.146(h)(1): The employer did not ensure that all authorized entrants knew the hazards that could be faced during entry, including information on the mode, sign or symptoms, and consequences of the exposure:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue, in Rochester, NY., the employer did not ensure that all authorized entrants knew the hazards that could be faced during entry, including information on the mode, sign or symptoms, and consequences of the exposure; in that employees entering a permit confined space did not receive training or receive information regarding safe procedures such as relieving hydraulic stored energy from the compactor ram, prior to entry to the Marathon RJ-100sc trash compactor to avoid crushing injuries.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue in Rochester, NY., periodic inspections were not done for employees who were designated as authorized personnel, (to be performed at least annually) to ensure lockout/tagout procedures are being followed.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012
Proposed Penalty: \$ 5500.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.147(c)(7)(i)(A): Each authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

- (a) On or about 08/02/11, at the Walmart store #2859, in the grocery receiving area, at the trash compactor, maintenance employees, who service the Marathon RJ-100sc compactor, were not trained at the "authorized" level as required under standard 1910.147.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 5500.00

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

29 CFR 1910.147(f)(2)(i): When outside personnel were engaged in activities covered by the scope and application of the standard, the onsite employer and the outside employer did not inform each other of their respective lockout or tagout procedures:

- (a) On or about 08/04/11, at Walmart store #2859, lockout/tagout procedures were not shared with outside contractors, when conducting service or maintenance to the Marathon compactor.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 4400.00

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: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.176(a): Where mechanical handling equipment was used, sufficient safe clearances were not allowed for aisles, at loading docks, through doorways or wherever turns or passage had to be made:

(a) On or about 08/02/11, in the grocery dock area, materials and merchandise were stored in the aisle way between and along the length of the docks, where electric powered pallet trucks could not maneuver safely.

NO ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4400.00

Citation 1 Item 11 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by flying debris and access to moving parts:

(a) On or before 08/02/11, in the grocery receiving area, at the Marathon RJ-100sc compactor, a limit switch was by-passed to allow the compactor to operate with the access door open.

NO ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 4400.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312758949, CITATION NO.1, ITEM NO.1, ISSUED ON 05/28/09, WITH RESPECT TO A WORKPLACE LOCATED AT EAST I-65 SERVICE RD, SOUTH MOBILE, AL.

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3), on all open sides:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue in Rochester, NY., the platform adjacent to recyclable dumpsters, measuring 4 feet from ground level, did not have a mid rail installed to protect against falls to the ground below.

NO ABATEMENT CERTIFICATION REQUIRED

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



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 310994165, CITATION NO.1, ITEM NO.1, ISSUED ON 12/10/09, WITH RESPECT TO A WORKPLACE LOCATED AT 434 SOUTH COLUMBIA AVE. RINCON, GA.

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

- (a) On or about 08/02/11, in the grocery receiving hallway, equipment and merchandise were stored/staged in the aisle way impeding egress.

NO ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 22000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

Citation 2 Item 3 Type of Violation: Repeat

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313019757, CITATION NO.1, ITEM NO.1, ISSUED ON 04/05/10, WITH RESPECT TO A WORKPLACE LOCATED AT 1316 SOUTH STATE STREET JERSEYVILLE, IL.

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

- (a) On or about 08/02/11, the employer did not utilize the energy control program as outlined in the "Safety Resource Manual" referred to as the "Lockout/Tagout Checklist", when performing maintenance such as; un-jamming the Marathon RJ-100sc compactor.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 35000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

Citation 2 Item 4 Type of Violation: Repeat

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312378920, CITATION NO.1, ITEM NO.1, ISSUED ON 11/13/08, WITH RESPECT TO A WORKPLACE LOCATED AT 207 SOUTH MEMORIAL DRIVE, TULSA, OK. 74112

29 CFR 1910.176(b): Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse:

- (a) On or about 08/02/11, along the back hallway, materials and merchandise stored on shelving, was not maintained in a safe manner to prevent materials from falling into the hallway below.
- (b) On or about 08/29/11, in the "GM" area, along the storage racks, merchandise was not secured from falling into the aisles below.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 55000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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 2 Item 5a Type of Violation: **Repeat**

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312243298, CITATION NO.1, ITEM NO.5(A) AND 5(B), ISSUED ON 07/07/08, WITH RESPECT TO A WORKPLACE LOCATED AT 650 S. TRUMAN BLVD, FESTUS, MO.

29 CFR 1910.215(a)(4): On offhand grinding machines work rest shall be used to support the work:

(a) On or about 08/29/11, in the assembly area, a Black & Decker bench grinder did not have a work rest installed.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 22000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

Citation 2 Item 5b Type of Violation: **Repeat**

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 312243298, CITATION NO. 1, ITEM NO. 5(A) AND 5(B), ISSUED ON 07/07/08, WITH RESPECT TO A WORKPLACE LOCATED AT 650 SOUTH TRUMAN BLVD, FESTUS, MO.

29 CFR 1910.215(b)(9): Guard for abrasive wheel machine where the operator stands in front of the machine was not constructed so that the peripheral protecting member could be adjusted to the constantly decreasing diameter of the wheel:

- (a) On or about 08/29/11, in the assembly area, a Black & Decker bench grinder (DN1) did not have a tongue guard installed to ensure that the opening between the wheel edge and adjustable guard did not exceed 1/4 inch.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/06/2012



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

Citation 2 Item 6 Type of Violation: **Repeat**

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311764047, CITATION NO.1, ITEM NO. 3(A), ISSUED ON 09/19/08, WITH RESPECT TO A WORKPLACE LOCATED AT 4731 13TH AVE., SW, FARGO, ND.

29 CFR 1910.303(g)(1): Sufficient access and working space was not provided and maintained about all electric equipment rated 600 volts, nominal, or less to ground, to permit ready and safe operation and maintenance of such equipment:

- (a) On or about 08/02/11, in the grocery receiving dock area, the disconnect control panel for the Marathon Hy-Press baler was not accessible due to storage in front of the panel.
- (b) On or about 08/29/11, in the "GM" area, the disconnect control panel for the Marathon Hy-Press baler was not accessible due to storage in front of the panel.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 22000.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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

29 CFR 1910.146(l)(1): Employers shall consult with affected employees and their representatives on the development and implementation of all aspects of the permit space program:

(a) On or about 08/02/11, at the Walmart store #2859, located on 2150 Chili Avenue in Rochester, NY., the employer did not involve employee participation in the development of the procedures for entering permit spaces.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 0.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE #2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

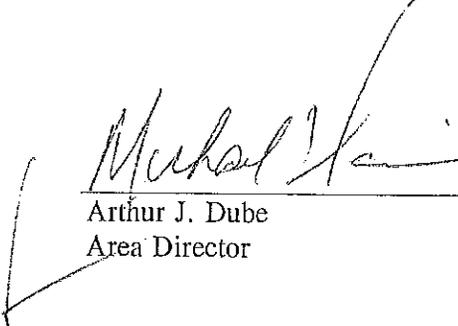
Citation 3 Item 2 Type of Violation: **Other**

29 CFR 1910.303(b)(8)(i): Electric equipment shall be firmly secured to the surface on which it is mounted.

(a) On or about 08/02/11, along the outside wall of the grocery receiving dock, a receptacle had broken free from its support bracket, exposing live conductors.

NO ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$ 0.00



Arthur J. Dube
Area Director

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

Inspection Number: 315502880
Inspection Dates: 08/17/2011 - 01/20/2012
Issuance Date: 01/27/2012



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

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

29 CFR 1910.1030(d)(3)(ii): The employer did not ensure that the employee used appropriate personal protective equipment when there was occupational exposure:

a) Maintenance Department - On or about 7/30/11, a maintenance employee only wore gloves while cleaning up blood in the Mens' restroom. The employee did not wear any face covering or an apron in case of splashing.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 5500.00

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: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

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

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

29 CFR 1910.1030(f)(2)(i): Hepatitis B vaccination was not made available after the employee had received the training required in 29 CFR 1910.1030(g)(2)(vii)(I) or within 10 working days of initial assignment to employees who had occupational exposure to blood or other potentially infectious materials:

- a) Throughout Establishment - On or about 8/17/11 and previously, maintenance employees and managers are designated to clean up blood in the store. These employees were not offered a Hepatitis B vaccinations after receiving the bloodborne training, nor within 10 days of assignment.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 5500.00

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

29 CFR 1910.1030(c)(2)(i)(A): The exposure determination did not include a list of all job classifications in which all employees in those job classifications had occupational exposure:

- a) Throughout Establishment - On or about 8/17/11, the employer's Exposure Control Plan did not include maintenance employees and managers who are designated to clean up blood.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/13/2012
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Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

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

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

29 CFR 1910.1030(g)(2)(vii)(A): The bloodborne pathogens training program did not contain an accessible copy of the regulatory text of this standard and an explanation of its contents:

a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include an accessible copy of the regulatory standard nor an explanation its contents.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 5500.00

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

29 CFR 1910.1030(g)(2)(vii)(B): The bloodborne pathogens training program did not contain a general explanation of the epidemiology or symptoms of bloodborne diseases:

a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include an explanation of the epidemiology or symptoms of bloodborne diseases.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
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Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

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

29 CFR 1910.1030(g)(2)(vii)(D): The bloodborne pathogens training program did not contain an explanation of the employer's exposure control plan or the means by which the employee could obtain a copy of the written plan:

- a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include an explanation of the employer's exposure control plan or how the employees could obtain a copy of the written plan.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012

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

29 CFR 1910.1030(g)(2)(vii)(I): The bloodborne pathogens training program did not contain information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, or the fact that the vaccine and vaccination would be offered free of charge:

- a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include information on the hepatitis B vaccination including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that it was offered free of charge.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

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

29 CFR 1910.1030(g)(2)(vii)(L): The bloodborne pathogens training program did not contain information on the post exposure evaluation or followup that the employer was required to provide for the employee following an exposure incident:

- a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include information on the post-exposure evaluation and follow-up that the employer is required to provide for employees following an exposure incident.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012

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

29 CFR 1910.1030(g)(2)(vii)(M): The bloodborne pathogens training program did not contain an explanation of the signs, labels, or color coding required by 29 CFR 1910.1030 (g)(1):

- a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include an explanation of the signs and labels and/or color coding required by the standard.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012

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: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

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

29 CFR 1910.1030(g)(2)(vii)(N): The bloodborne pathogens training program did not contain an opportunity for interactive questions or answers with the person conducting the training session:

- a) Throughout Establishment - On or about 8/17/11, the employer's Computer Based Learning for bloodborne pathogens did not include the opportunity for interactive questions and answers with the person conducting the training.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012

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

29 CFR 1910.1030(g)(2)(viii): The person conducting the bloodborne pathogen training was not knowledgeable in the subject matter covered by the elements contained in the training program as it related to the workplace that the training would address:

- a) Throughout Establishment - On or about 8/17/11, bloodborne pathogens training is conducted on-line through the employers Computer Based Learning modules and then overseen by the Training Coordinator who is not knowledgeable in the subject matter.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/29/2012



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

Citation 2 Item 1 Type of Violation: Repeat

29 CFR 1910.132(f)(1): The employer did not provide training to each employee who is required by this section to use PPE.

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311974075, CITATION NO. 1, ITEM NO. 1A, AND WAS AFFIRMED AS A FINAL ORDER ON 6/15/09, WITH RESPECT TO A WORKPLACE LOCATED AT 891 ROUTE 9, QUEENSBURY, NY.

a) Maintenance Department - On or about 8/17/2011, the employer did not provide training to employees in order to know when PPE was necessary, what PPE was necessary, and the limitations of the PPE. Employees work daily with Crew Restroom Floor & Surface Cleaner, a corrosive material, and do not wear any eye or face protection.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated:	02/06/2012
Proposed Penalty:	\$ 27500.00

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: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

Citation 2 Item 2 Type of Violation: Repeat

29 CFR 1910.133(a)(1): The employer did not ensure that each employee used appropriate eye and face protection when exposed to eye and face hazards:

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 311364905, CITATION NO. 1, ITEM NO. 5A, AND WAS AFFIRMED AS A FINAL ORDER ON 4/20/2009, WITH RESPECT TO A WORKPLACE LOCATED AT 1815 E. HIGHLAND DRIVE, JONESBORO, ARKANSAS.

a) Maintenance Department - On or about 8/17/11, the employer did not ensure that Maintenance employees were required to wear safety goggles or a face shield when dispensing Crew Restroom Floor & Surface Cleaner, a corrosive material.

ABATEMENT CERTIFICATION REQUIRED

Date By Which Violation Must be Abated: 02/06/2012
Proposed Penalty: \$ 27500.00

Citation 2 Item 3 Type of Violation: Repeat

29 CFR 1910.1200(g)(8): The employer did not ensure that material safety data sheets were readily accessible to the employees in their work area during each work shift:

a) Maintenance Department - On or about 8/17/11, the employer did not ensure that material safety data sheets for materials such as, but not limited to, Prominence Heavy Duty Floor Cleaner, Glance NA Glass & Multi-Purpose Cleaner, Hydrox General Purpose Cleaner, and Crew Restroom Floor & Surface Cleaner were readily accessible to the employees in their work area during each work shift.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated: 02/06/2012
Proposed Penalty: \$ 27500.00



Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

COPY

Citation 2 Item 4 Type of Violation: Repeat

29 CFR 1910.1200(h)(1): Employees were not provided information and training as specified in 29 CFR 1910.1200(h)(2) and (3) on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard was introduced into their work area:

WALMART WAS PREVIOUSLY CITED FOR A VIOLATION OF THIS OCCUPATIONAL SAFETY AND HEALTH STANDARD OR ITS EQUIVALENT STANDARD, WHICH WAS CONTAINED IN OSHA INSPECTION NUMBER 313174179, CITATION NO. 1, ITEM NO. 1B, AND WAS AFFIRMED AS A FINAL ORDER ON 7/29/09, WITH RESPECT TO A WORKPLACE LOCATED AT 2602 JIM REDMAN PARKWAY, PLANT CITY, FLORIDA.

a) Maintenance Department - On or about 8/17/11, employees who work daily with materials such as, but not limited to, Prominence Heavy Duty Floor Cleaner (containing alcohol ethoxylates, and ethoxylated secondary alcohol), Glane NA Glass & Multi-Purpose Cleaner (containing sodium lauryl sulfate, and ethyl alcohol), Hydrox General Purpose Cleaner (containing hydrogen peroxide), and Crew Restroom Floor & Surface Cleaner (containing ethyl alcohol, dimethyl ammonium chloride, and dimethyl benzyl ammonium chloride).

Employees shall be informed of:

1. The requirements of this section; AND
2. The location and availability of the written Hazard Communication Program, list(s) of hazardous chemicals and Material Safety Data Sheets.

Employee training shall include at least:

1. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
2. The physical and health hazards of the chemicals in the work area.
3. The measures employees can take to protect themselves such as specific procedures, appropriate work practices, emergency procedures and personal protective equipment to be used.
4. The details of the employers Hazard Communication Program including an explanation of labeling systems, Material Safety Data Sheets and how employees can obtain and use the appropriate hazard information.

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: 315502880
Inspection Dates: 08/17/2011 - 01/20/2012
Issuance Date: 01/27/2012



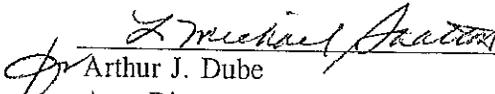
Citation and Notification of Penalty

Company Name: WALMART SUPERCENTER STORE# 2859
Inspection Site: 2150 Chili Avenue, Rochester, NY 14624

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ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:	02/29/2012
Proposed Penalty:	\$ 27500.00


Arthur J. Dube
Area Director

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