

**Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (817) 428-2470.**

U.S. Department of Labor Occupational Safety and Health Administration
8713 Airport Freeway Suite 302
Fort Worth, TX 76180
Phone: (817) 428-2470 Fax: (817) 581-7723



June 10, 2019

Dear James Allen,

On 12/19/2018, an OSHA compliance officer met with you or your representative as part of an inspection at 1833 Mony Street Fort Worth, TX 76102. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Timothy Minor, Area Director

Your Citation Summary
Southern Tire mart, LLC
Inspection Number: 1368099

Total Amount Due: \$341195.00
**Payment Due Date: 15 working days
after receipt of
this letter**

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : 20
**Your First Correction Deadline is: July 8,
2019**

**Step 1 – Choose a Response
Option and
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (817) 428-2470.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Timothy Minor, Area Director, at (817) 428-2470 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

☐ ____ / ____



2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

☐ ____ / ____

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

☐ ____ / ____



2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

☐ ____ / ____

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

☐ ____ / ____

U.S. Department of Labor
Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



Citation and Notification of Penalty

To:
Southern Tire mart, LLC
1833 Mony Street
Fort Worth, TX 76102

Inspection Number: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019

Inspection Site:
1833 Mony Street
Fort Worth, TX 76102

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 by calling 817-428-2470. 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 06/10/2019. The conference will be held by telephone or at the OSHA office located at 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1368099

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102
Issuance Date: 06/10/2019

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, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180**

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to the hazards of ejection and being crushed-by the equipment:

On or about December 19, 2018, and at times prior thereto, employees operated forklifts daily at the facility without wearing the installed safety seat belts.

Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow the manufacturer operations manuals and industry practices.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/09/2019
Proposed Penalty:	\$13260.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.110(f)(7): LP gas container storage location(s) were not provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C:

On or about January 10, 2019, and at times prior thereto, the employer did not provide suitable fire control devices, such as small hose or portable fire extinguishers available in the propane bottle storage and forklift servicing area, exposing employees to fire and explosion hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$13260.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

On or about January 10, 2019, and at times prior thereto, at the facility, the employer did not have clear and specific procedural steps for the control of hazardous energy for each piece of equipment and its energy source(s) requiring lockout/tagout.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/09/2019
Proposed Penalty:	\$13260.00

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: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:

On or about January 10, 2019, and at times prior thereto, at the facility, the employer did not train all authorized and affected employees in the recognition of all energy sources, the purpose and use of a lockout/tag-out system and ensure they acquired the knowledge and skills to safely apply and prevent unexpected release of energy. Employees were exposed to electrocution, amputation, caught-in and struck-by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/09/2019
Proposed Penalty:	\$13260.00



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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 1910.177(d)(4): The employer did not furnish or assure that employees use an air line assembly which includes a clip-on chuck, an inline valve with a pressure gauge or a presettable regulator, and a sufficient length of hose between the clip-on chuck:

On or about December 18, 2019, at the facility in the yard, the employer did not ensure that employees replacing large monster tires use an air line assembly which includes a clip-on chuck, an inline valve with a pressure gauge or a presettable regulator, and a sufficient length of hose between the clip-on chuck.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/09/2019
Proposed Penalty:	\$13260.00

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

Inspection Number: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.177(g)(8): The employer did not ensure that employees stay out of the trajectory when inflating a tire on a single piece rim wheel:

On or about December 18, 2019, and at times prior thereto, the employer did not ensure that employees understood and followed the procedures of not inflating tires within the trajectory or by reaching inside the wheel to access the valve stem, exposing the employees to struck-by and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/09/2019

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.177(g)(10): The employer did not ensure that tires on single piece rim wheels were not inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange:

On or about December 18, 2019, and at times prior thereto, at the facility, the employer did not ensure that employees understood and followed the procedures, do not inflate a tire above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange. The employees were exposed to struck-by and explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/09/2019

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates or markings were maintained in a legible condition:

On or about January 7, 2019, and at times prior thereto, at the facility, employees operated a Toyota forklifts with nameplates that were not maintained in a legible condition, exposing employees to struck-by and falling load hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$6251.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.178(m)(2): Employee(s) stood under or passed under the elevated portion of a powered industrial truck(s):

On or about December 18, 2018, employees changing monster tire wheels worked under the elevated portion of the forklift holding the tire and wheel upright, exposing the employees to struck-by hazards.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8335.00

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: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.178(p)(1): If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.

On or about December 19, 2019, and at times prior thereto, and at times thereafter, the employer allowed employees to operate forklifts that were in need of repair and were not taken out of service, exposing employees to ejection, struck-by and crushed-by hazards;

and

On or about January 10, 2019, and at times prior thereto, the employer continued to allow employees to operate forklifts in need of repair and did not take them out of service. Items that needed to be repaired are listed below, these are items that CSHO observed in plain view:

- a. installed back up mirrors were broken;
- b. flashing lights not operable when used;
- c. installed headlights were broken;
- d. protective covers missing on dash exposing electrical parts; and
- e. foot pedals missing rubber non-slip covers.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/09/2019
Proposed Penalty:	\$13260.00

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

Inspection Number: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

On or about December 19, 2018, and at times prior thereto, the employer allowed the use of an electrical power switch installed on a forklift, that was not listed or labeled to power the forklift's lights.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$6251.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

Citation 1 Item 10 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 about was introduced into their work area:

On or about January 7, 2019, and at times prior thereto, the employer did not ensure that all employees who use hazardous chemicals in their work areas were provided effective information and training on those chemicals to include the new required Globally Harmonized System.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$13260.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.177(g)(6): Tires on single piece rim wheels were not contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened during tire inflation:

On or about December 18, 2019, at the facility in the yard, the employer did not provide a restraining device or a barrier (cage, shield, mounting device or restraining device) while three (3) employees were inflating monster truck tires on single piece rim wheels which were not bolted on a vehicle, exposing the employees to struck-by hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$132598.00

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: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

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:

On or about December 18, 2019 and at times prior thereto, the employer did not ensure that directional signs of travel to the exit discharge were provided in areas of the facility where the exit discharge was not immediately apparent, exposing employees to fire, entrapment and smoke inhalation.

Southern Tire Mart was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(b)(4), which was contained in OSHA inspection number 1318784, citation number 1, item number 2A and was affirmed as a final order on November 1, 2018, with a final abatement date of December 04, 2018, with respect to a workplace located at 75 Pinyon Road, Covington, GA 30016;

and

Southern Tire Mart was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.37(b)(4), which was contained in OSHA inspection number 1325355, citation number 3, item number 1 and was affirmed as a final order on December 7, 2018, with a final abatement date of December 14, 2018, with respect to a workplace located at 998 Peyton, El Paso, TX 79928.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$31257.00

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

Inspection Number: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

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

29 CFR 1910.178(l)(1)(i): The employer did not ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l):

On or about December 19, 2018, and at times prior thereto, at the facility, the employer did not ensure that all employees who operated forklifts were competent to operate powered industrial trucks safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l), exposing employees to tip-over, struck-by and crushed-by hazards.

Southern Tire Mart, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.178(l)(2)(ii), which was contained in OSHA inspection number 1325355, citation number 3, item number 3, and was affirmed as a final order on 12/07/2018, with respect to a final abatement date of 12/14/2018, with respect to a workplace located at 998 Peyton, El Paso, TX 79928.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	07/09/2019
Proposed Penalty:	\$29172.00

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: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.178(l)(2)(ii): The employer did not ensure that each operator had successfully completed the training consisting of a combination of instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

On or about December 19, 2018, and at times prior thereto, at the facility, the employer did not ensure that all employees who operated forklifts received practical exercises and were evaluated by a certified trainer to ensure the operators retained the competency to operate powered industrial trucks safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l), exposing employees to tip-over, struck-by and crushed-by hazards.

Southern Tire Mart, LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.178(l)(2)(ii), which was contained in OSHA inspection number 1325355, citation number 3, item number 3, and was affirmed as a final order on 12/07/2018, with respect to a final abatement date of 12/14/2018, with respect to a workplace located at 998 Peyton, El Paso, TX 79928.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/09/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

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

29 CFR 1910.178(q)(7): Industrial trucks were not examined before being placed in service:

On or about December 19, 2018, and at times prior thereto, and at times thereafter, the employer allowed employees to operated forklifts without ensuring that examinations were conducted prior to placing the forklifts into service;

and

On or about January 10, 2019, and at times prior thereto, the employer allowed employees to continue to operate Toyota forklifts without examining them prior to them being placed in service. Items that needed to be repaired are listed below; these are items that CSHO saw:

- a. installed back up mirrors were broken;
- b. back up alarm and associated flashing lights not operable when used;
- c. installed headlights were broken;
- d. unauthorized electrical devices used on forklift as a switch;
- e. protective covers missing on dash exposing electrical parts; and
- f. foot pedals missing rubber non-slip covers.

Southern Tire Mart was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.178(q)(7), which was contained in OSHA inspection number 1318784, citation number 1, item number 9B and was affirmed as a final order on November 1, 2018, with a final abatement date of December 4, 2018, with respect to a workplace located at 75 Pinyon Road, Covington, GA 30016.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/09/2019

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

Inspection Number: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

Proposed Penalty:

\$29172.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.29(b)(3): Each recordable injury or illness was not entered on the OSHA 300 Log and/or an accident report (OSHA Form 301 or equivalent) within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

On or about January 8, 2019, the employer did not log a work related injury and fatality that occurred on December 18, 2018, within the required time frames.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$2085.00

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: 1368099
Inspection Date(s): 12/19/2018 - 01/07/2019
Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

Citation 4 Item 2 Type of Violation: **Other-than-Serious**

29 CFR 1904.40(a): The employer did not provide an authorized government representative copies of requested records kept under Part 1904 within four (4) business hours:

On or about December 19, 2018, the employer was requested to provide OSHA 300 logs on or before December 20, 2018, and did not provide the OSHA 300 logs within the required 4-hours. OSHA received all the OSHA 300 logs on January 8, 2019.

Date By Which Violation Must be Abated:
Proposed Penalty:

07/09/2019
\$2085.00

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: 1368099

Inspection Date(s): 12/19/2018 - 01/07/2019

Issuance Date: 06/10/2019



Citation and Notification of Penalty

Company Name: Southern Tire mart, LLC

Inspection Site: 1833 Mony Street, Fort Worth, TX 76102

Citation 4 Item 3 Type of Violation: **Other-than-Serious**

29 CFR 1910.147(c)(7)(iv): The employer did not certify that employee training had been accomplished and kept up to date. The certification shall contain each employee's name and dates of training:

On or about January 10, 2019, and at times prior thereto, at the facility, the employer did not certify that employee training had been accomplished and kept up to date.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

07/09/2019

Proposed Penalty:

\$1169.00

A handwritten signature in black ink, appearing to read "Timothy Minor", written over a horizontal line.

Timothy Minor
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
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



INVOICE / DEBT COLLECTION NOTICE

Company Name: Southern Tire mart, LLC
Inspection Site: 1833 Mony Street, Fort Worth, TX 76102
Issuance Date: 06/10/2019

Summary of Penalties for Inspection Number	1368099
Citation 1, Serious	\$113657.00
Citation 2, Willful	\$132598.00
Citation 3, Repeat	\$89601.00
Citation 4, Other-than-Serious	\$5339.00
TOTAL PROPOSED PENALTIES	\$341195.00

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.

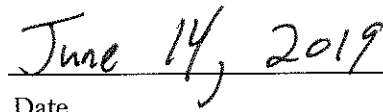
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per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



Timothy Minor

Area Director



Date