

U.S. Department of Labor

Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



Citation and Notification of Penalty

To:

Mavis Southeast, LLC, dba Mavis Discount Tire
and its successors
3750 Blue Ridge Dr.
Ste. 200
Buford, GA 30519

Inspection Number: 1430661**Inspection Date(s):** 09/11/2019 - 09/11/2019**Issuance Date:** 12/23/2019**Inspection Site:**

3750 Blue Ridge Dr.
Ste. 200
Buford, GA 30519

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 770-493-6644. 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 12/23/2019. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at _____.

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1430661

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519
Issuance Date: 12/23/2019

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: 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: industrial storage rack collapse and struck by hazards:

On or about 9/11/2019 in the warehouse area workers on foot and or operating powered industrial equipment were exposed to struck by and crushing hazards where the loaded industrial storage racks were visibly damaged by powered industrial trucks at locations including but not limited to:

- a. Upright between BA 71 B and BA 73 B
- b. Upright between BA 57 A and BA 55 A
- c. Stretcher at end of BC
- d. Stretcher at end of BA
- e. Upright between BF 64 A and BF 66 A
- f. Upright between BC 26 A and BC 24 A (Previously unloaded)
- g. Upright between BA 11 A and BA 13 A
- h. Upright at AQ 19
- i. Upright between AZ 19 A and AZ 21 A
- j. Upright between AX 54 A and AX 52 A
- k. Upright between AW 51 A and AW 53 A
- l. Upright between AV 63 A and AV 65 A
- m. Upright between AT 55 A and AT 57 A
- n. Upright at AR 20 A
- o. Upright at AR 63 A
- p. Upright between AP 54 A and AP 52 A
- q. Upright between AP 41 A and AP 39 A
- r. Upright between AP 46 A and AP 44 A
- s. Upright between AO 46 A and AO 44 A (Previously unloaded)
- t. Upright between AM 19 A and AM 21 A
- u. Upright between AL 34 A and AL 32 A
- v. Upright between AK 22 A and AK 20 A

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



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

- w. Upright between AJ 26 A and AJ 24 A
- x. Upright between JA 14 A and JA 12 A
- y. Upright between AH 19 A and AH 21 A
- z. Upright between AG 23 A and AG 25 A
- aa. Upright at AG 39
- ab. Upright between AG 66 A and AG 64 A
- ac. Upright between AF 22 A and AF 20 A
- ad. Upright between AE 14 A and AF 12 A
- ae. Upright AD 39

One feasible means of abatement would be to maintain the structural integrity of the installed rack system by assuring proper operational, housekeeping, and maintenance procedures including but not limited to: Regularly inspect for damage. If damage is found, IMMEDIATELY unload the affected area and replace or repair any damaged columns, beams, or other structural components."

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/21/2020
Proposed Penalty:	\$13260.00



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.28(b)(1)(i)(C): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by a personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

a. On or about 9/11/2019 throughout the facility employees were exposed to fall hazards of 25- feet while pulling tires from the "E" level where the employer allowed for Turret operators to operate without wearing harnesses.

b. On or about 9/11/2019 at location AC 51 B an employee was observed exposed to fall hazards of five-feet, six-inches to the concrete lower level where he disconnected from his retractable lanyard to enable himself to reach tires that were in the adjacent aisle.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/13/2020
\$13260.00

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

Inspection Number: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.140(c)(18): Personal fall protection systems was not inspected before initial use during each work shift for mildew, wear, damage, and other deterioration, and defective components were not removed from service.

On or about 9/11/2019 Throughout the facility workers were exposed to fall hazards of up to 25-feet were the employer failed to require the Turret and Picker operators to inspect their harnesses. During the walkaround inspection there was a harness S/N 1168774, observed in use on Turret 560-14-B21424, that was visibly damaged.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/13/2020
Proposed Penalty:	\$10419.00

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



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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 4 a Type of Violation: **Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

- a. On or about 9/11/2019 throughout the facility workers were exposed to smoke inhalation and burn hazards where the employer failed to visually identify the locations of the portable fire extinguishers, where workers are expected to fight incipient level fires.
- b. On or about 9/11/2019 at aisle BF, workers were exposed to smoke inhalation and burn hazards where the portable fire extinguisher was blocked by the stored pallets.

No abatement required

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$8335.00

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

Inspection Number: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.157(e)(2): Portable fire extinguishers were not visually inspected at least monthly:

On or about 9/11/2019 throughout the facility workers were exposed to smoke inhalation and burn hazards where the employer failed to inspect the portable fire extinguishers on a monthly basis since 4/19/2018, where workers are expected to fight incipient level fires. During the walkaround inspection there were noted discrepancies including but not limited to:

- a. location BA fire extinguisher damaged
- b. location BF fire extinguisher blocked by pallets

Abated during the inspection

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

On or about 9/11/2019 throughout the facility workers were exposed to smoke inhalation and burn hazards where the employer failed to inspect the portable fire extinguishers on an annual basis since installed on 4/19/2018, where workers are expected to fight incipient level fires. During the walkaround inspection there were noted discrepancies including but not limited to:

- a. location BA fire extinguisher damaged
- b. location BF fire extinguisher blocked by pallets

No abatement required

Date By Which Violation Must be Abated:

Corrected During Inspection

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: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.157(g)(1): An educational program was not provided for all employees to familiarize them with the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting:

On or about 9/11/2019 throughout the facility workers were exposed to smoke inhalation and burn hazards where the employer failed to train the workers on how to use the portable fire extinguishers, where workers are expected to fight incipient level fires.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/13/2020

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: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.176(a): Permanent aisles or passageways were not appropriately marked:

On or about 9/11/2019 throughout the warehouse employees are exposed to struck-by hazards where there are no pedestrian and powered industrial truck separation lines on the floors.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/13/2020
\$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: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

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 9/11/2019, throughout the warehouse workers on foot and operating powered industrial trucks in the aisles were exposed to struck by hazards where the employer failed to enforce safe storage of tires that were observed on their edges and a pallet was sticking into the aisle eight -inches at locations including but not limited to:

- a. BE 12 B
- b. BJ 8 C
- c. BD 52 C
- d. BC 59 B
- e. AK 1 C
- f. AI 1 B
- g. AH 69 B
- h. AH 69 B
- i. AD 24 D
- j. AO 74 B (Pallet)

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/13/2020
\$8335.00

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

Inspection Number: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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 7 a 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 powered industrial truck

The employer failed to train powered industrial truck operators before allowing them to operate at locations including but not limited to:

- a. On or about 9/7/2019, at BC 26 / BC 24 an untrained, uncertified, not competent turret operator struck the racks causing severe damage.
- b. On or about 9/11/2019 in the parts department forklifts were operated by untrained operators.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/13/2020
Proposed Penalty:	\$8335.00

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: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

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 formal 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.

a) On or about 9/11/2019 and times prior, throughout the facility, employees were exposed to struck-by hazards, in that; when conducting forklift training, the employer failed to provide practical training, and or, evaluate the operators performance.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

01/13/2020

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: 1430661
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Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.178(l)(4)(ii)(B): Refresher training, including an evaluation of the effectiveness of that training, was not provided to the operator when the operator has been involved in an accident or near-miss incident:

- a. On or about 9/11/2019 in the warehouse, the employer exposed employees to struck-by hazards, in that; refresher training had not been provided to an operator who had struck material storage racks.
- b. On or about July 2019 in the warehouse, the employer exposed employees to struck-by hazards, in that; refresher training had not been provided to an operator who had ran his picker into another picker in the aisle.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/13/2020

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



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.178(n)(1): A safe distance of approximately three truck lengths between trucks was not maintained:

- a. On or about 9/11/2019 in the warehouse, forklift operators were exposed to struck-by hazards, in that; where narrow aisles were congested, the turret and picker were observed being operated in close proximity to each other.
- b. On or about July, 2019 in the warehouse, forklift operators were exposed to struck-by hazards, in that; where narrow aisles were congested, two pickers collided.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/13/2020
Proposed Penalty:	\$13260.00

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

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Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.178(n)(4): Drivers were not required to slow down and sound the horn at cross aisles and other locations where vision is obstructed:

On or about 9/11/2019, throughout the warehouse where the employer failed to enforce the use of horns, workers were observed not sounding their horns while operating powered industrial trucks at times including but not limited to exiting and entering aisles with blocked views at the ends from stacked pallets, exposing foot and pedestrian traffic to struck-by and crushing hazards.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	01/13/2020
Proposed Penalty:	\$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: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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 10 a 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:

At locations including but not limited to:

- a. On or about 9/11/2019, in the parts department, workers at the workstation were exposed to electrical shock and burn hazards where the employer used a metallic quad outlet designed for mounting as a pendant.
- b. On or about 9/11/2019, in the parts department, workers at the workstation were exposed to electrical shock and burn hazards where the employer "daisy chained" a relocatable 15A power strip from the improper pendant. The strip was powering two monitors, a copier, and two printers. There was also the availability for the use of personal fans, space heaters, and a vacuum cleaner which would be powered by the same strip.
- c. On or about 9/11/2019, in the receiving manager's office area, workers at the workstation were exposed to electrical shock and burn hazards where the employer used a metallic quad outlet to power the monitors, printers and electrical devices.
- d. On or about 9/11/2019, in the receiving manager's office area, workers at the workstation were exposed to electrical shock and burn hazards where the employer used a metallic quad outlet to power the monitors, printers and electrical devices.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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: 1430661
Inspection Date(s): 09/11/2019 - 09/11/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

Date By Which Violation Must be Abated:
Proposed Penalty:

01/13/2020
\$6251.00

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



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

At locations including but not limited to:

- a. On or about 9/11/2019, in the parts department, workers at the workstation were exposed to electrical shock and burn hazards where the employer powered a metallic quad outlet with a flexible cord in lieu of permanent wiring.
- b. On or about 9/11/2019, in the receiving manager's office area, workers at the workstation were exposed to electrical shock and burn hazards where the employer powered a metallic quad outlet with a flexible cord in lieu of permanent wiring.

In accordance with 29 CFR 1903.19(c), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 01/13/2020



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

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

- a. On or about 9/11/2019 in the rear of the Parts department by aisle "AC", workers were exposed to smoke inhalation and burn hazards where the employer failed to ensure that emergency exits were not blocked.
- b. On or about 9/11/2019 in the parts department the exit route along the wall, aisle "A", was blocked with parts and materials. Employees were exposed to smoke inhalation and burn hazards where the employer failed to ensure that emergency routes were not blocked.
- c. On or about 9/11/2019 Aisle "AB" was blocked with palletized tires preventing rapid egress. Employees were exposed to smoke inhalation and burn hazards where the employer failed to ensure that emergency routes were not blocked.
- d. On or about 9/11/2019 Aisle "AC" was blocked with palletized tires preventing rapid egress. Employees were exposed to smoke inhalation and burn hazards where the employer failed to ensure that emergency routes were not blocked.

Mavis Tire Supply Corporation dba Mavis Discount Tires was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910.37(a)(3), which was contained in OSHA inspection number 1135880, citation number 2, item number 1 and was affirmed as a final order on 10/11/2016, with respect to a workplace located at 343 South Ave East Westfield, New Jersey 07090.

No abatement required

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$62513.00



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

Citation 2 Item 2 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 9/11/2019, throughout the facility, employees were exposed to smoke inhalation and burn hazards where the employer failed to ensure there were signs for the direction of travel to the nearest fire exit as the line-of sight to an exit door was not clearly visible. Locations included but were not limited to the parts department.

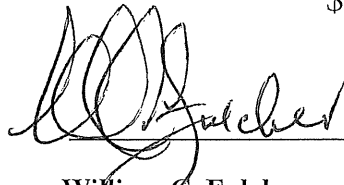
Mavis Tire Supply Corporation dba Mavis Discount Tires was previously cited for a violation of this occupational safety and health standard or its equivalent standard 1910/37(b)(4), which was contained in OSHA inspection number 1135880, citation number 1, item number 4 and was affirmed as a final order on 10/11/2016, with respect to a workplace located at 343 South Ave East Westfield, New Jersey 07090.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

01/13/2020
\$31257.00



William C. Fulcher
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



INVOICE / DEBT COLLECTION NOTICE

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519
Issuance Date: 12/23/2019

Summary of Penalties for Inspection Number	1430661
Citation 1, Serious	\$98125.00
Citation 2, Repeat	\$93770.00
TOTAL PROPOSED PENALTIES	\$191895.00

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

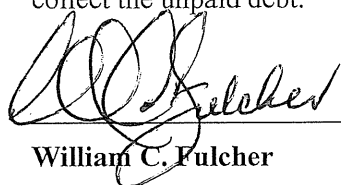
account, the bank will attempt to make the transfer up to 2 times.

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.



William C. Fulcher

Area Director

12/23/2009
Date

U.S. Department of Labor

Occupational Safety and Health Administration
2296 Henderson Mill Road
Suite 200
Atlanta, GA 30345



Citation and Notification of Penalty

To:

Mavis Southeast, LLC, dba Mavis Discount Tire
and its successors
3750 Blue Ridge Dr.
Ste. 200
Buford, GA 30519

Inspection Number: 1431139**Inspection Date(s):** 09/11/2019 - 09/17/2019**Issuance Date:** 12/23/2019**Inspection Site:**

3750 Blue Ridge Dr.
Ste. 200
Buford, GA 30519

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 770-493-6644. 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 12/23/2019. The conference will be held by telephone or at the OSHA office located at 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1431139

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519
Issuance Date: 12/23/2019

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, 2296 Henderson Mill Road, Suite 200, Atlanta, GA 30345**

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: 1431139
Inspection Date(s): 09/11/2019 - 09/17/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire

Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

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

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical, and did not ensure that they were readily accessible during each work shift to employees when they were in their work area(s):

Mavis Southeast, LLC dba Mavis Discount Tire, Buford, GA - On or about 09/11/2019, employees in the Parts Department were exposed to hazardous chemical products such as but not limited to Pennzoil 4W-40, Johnsens Brake Parts Cleaner and SN Motor Oil Synthetic Blend 5W-30. Safety data sheets were not maintained and readily accessible to employees, as required by the hazard communication standard.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

01/21/2020

Proposed Penalty:

\$0.00

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

Inspection Number: 1431139
Inspection Date(s): 09/11/2019 - 09/17/2019
Issuance Date: 12/23/2019



Citation and Notification of Penalty

Company Name: Mavis Southeast, LLC, dba Mavis Discount Tire
Inspection Site: 3750 Blue Ridge Dr., Ste. 200, Buford, GA 30519

Citation 1 Item 2 Type of Violation: **Other-than-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:

Mavis Southeast, LLC dba Mavis Discount Tire, Buford, GA - On or about 09/11/2019, employees in the Parts Department were exposed to hazardous chemical products such as but not limited to Pennzoil 4W-40, Johnsens Brake Parts Cleaner and SN Motor Oil Synthetic Blend 5W-30. Effective information and training as required by the hazard communication standard was not provided.

In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET).

Date By Which Violation Must be Abated:

01/21/2020

Proposed Penalty:

\$0.00


William C. Fulcher
Area Director

SUMMARY OF PROPOSED PENALTIES

Summary of Penalties for Inspection Number -	1431139
Citation 1, Other-than-Serious	\$0.00
TOTAL PROPOSED PENALTIES	\$0.00

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