

U.S. Department of Labor
Occupational Safety and Health Administration
2900 4th Avenue North, Suite 303
Billings, MT 59101
Phone: 406-247-7494 Fax: 406-247-7499



Citation and Notification of Penalty

To:
Rick's Auto Body
2008 West Broadway
Missoula, MT 59808

Inspection Number: 934163
Inspection Date(s): 08/21/2013 - 08/22/2013
Issuance Date: 11/20/2013

Inspection Site:
2008 West Broadway
Missoula, MT 59808

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. 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 \$50,000 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 11/20/2013. The conference will be held by telephone or at the OSHA office located at 2900 4th Avenue North, Suite 303, Billings, MT 59101 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 934163

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808
Issuance Date: 11/20/2013

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, 2900 4th Avenue North, Suite 303, Billings, MT 59101**

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: 934163
Inspection Date(s): 08/21/2013 - 08/22/2013
Issuance Date: 11/20/2013



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.23(c)(1): Open-sided floors and/or platforms four feet or more above adjacent floor or ground level were not guarded with standard railings (or equivalent) and toeboards:

a) Compressor Room; On or about August 19, 2013 and at times prior, employees were exposed to struck by hazards while passing under an overhead storage area with material stacked directly overhead.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/13/2013
\$2800.00

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: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.37(b)(2): Each exit was not clearly visible and marked by a sign reading "Exit":

a) Body Department, North Side; On or about August 19, 2013 and at times prior, employees were exposed to the hazard of not being able to escape an emergency in the workplace due to lack of emergency exit markings.

b) Body Department, South Side; On or about August 19, 2013 and at times prior, employees were exposed to the hazard of not being able to escape an emergency in the workplace due to lack of emergency exit markings.

Date By Which Violation Must be Abated:
Proposed Penalty:

12/13/2013
\$3500.00



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

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

29 CFR 1910.106(d)(4)(i): Opening(s) from inside flammable and combustible storage room(s) into other rooms or buildings were not provided with noncombustible liquid tight raised seal or ramp at least 4 inches in height:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards when flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S) were stored in a room that would not contain these flammable liquids in the event of a spill.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2013
Proposed Penalty:	\$4900.00

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

Inspection Number: 934163
Inspection Date(s): 08/21/2013 - 08/22/2013
Issuance Date: 11/20/2013



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.106(e)(9)(i): Maintenance and operating practices did not control leakage and prevent accidental escape of flammable or combustible liquids:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards when flammable liquids, such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S) were stored in 5 gallon open top plastic buckets without secondary containment to contain leaks.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/13/2013

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: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.106(d)(4)(iv): Each inside storage room with a mechanical exhaust system was not provided with lighting fixtures that were operated by the same switch and a pilot light was not installed adjacent to the switch when Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 °F (37.8 °C), were dispensed within the room:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while dispensing flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S) when the ventilation system was not equipped with a light indicating that the ventilation fan is operational and a light switch that did not control both the exhaust fan and lights simultaneously.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2013
Proposed Penalty:	\$7000.00

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

Inspection Number: 934163
Inspection Date(s): 08/21/2013 - 08/22/2013
Issuance Date: 11/20/2013



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.106(e)(2)(ii): Flammable liquids were not stored in tanks or closed containers:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards when flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S) were stored in plastic five gallon buckets without lids.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/13/2013
\$7000.00

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: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.106(e)(2)(iv)(d): Flammable or combustible liquids were not drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while transferring flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S) with unapproved 5 gallon plastic buckets.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2013
Proposed Penalty:	\$7000.00

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

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

Inspection Number: 934163
Inspection Date(s): 08/21/2013 - 08/22/2013
Issuance Date: 11/20/2013



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.106(e)(5)(iv): Where indicated by special hazards of operations, flammable or combustible liquid processing equipment were not protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while working in the distillation room containing flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2013
Proposed Penalty:	\$7000.00

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



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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

29 CFR 1910.107(c)(9)(i): All metal parts of spray booths, exhaust ducts, and piping systems conveying flammable or combustible liquids or aerated solids were not properly electrically grounded in an effective and permanent manner:

a) Body Department; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while using a Mobile Work Station, Portable Paint Booth during painting operations that was not electrically grounded.

b) Body Department; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while using a Paint Gun Cleaning Tank that was not electrically grounded.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2013
Proposed Penalty:	\$4900.00



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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 9 a Type of Violation: **Serious**

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 degree F, were dispensed into containers without the nozzle and container being electrically interconnected:

a) Distillation Room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while dispensing flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105); Butyl Acetate, (Chroma Premier System 14385S and Chroma Premier Pro 74500S) into a white plastic 55 gallon drum without electrical bonding.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/13/2013
Proposed Penalty:	\$7000.00

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



Citation and Notification of Penalty

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808

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


29 CFR 1910.107(e)(9): Whenever flammable liquids are transferred from one container to another, both containers were not effectively bonded and grounded to prevent discharge sparks of static electricity:

a) Distillation room; On or about August 19, 2013 and at times prior, employees were exposed to fire and explosion hazards while dispensing flammable liquids such as but not limited to; Methyl alcohol, (Lacquer Thinners and Cleaning Solvents 105), from the black steel 55 gallon drum.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/13/2013



Jeff R. Funke, CSP
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
2900 4th Avenue North, Suite 303
Billings, MT 59101
Phone: 406-247-7494 Fax: 406-247-7499



INVOICE / DEBT COLLECTION NOTICE

Company Name: Rick's Auto Body
Inspection Site: 2008 West Broadway, Missoula, MT 59808
Issuance Date: 11/20/2013

Summary of Penalties for Inspection Number	934163
Citation 1, Serious	\$51100.00
TOTAL PROPOSED PENALTIES	\$51100.00

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 \$50,000 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.

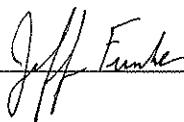
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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.

Jeff R. Funke, CSP



Area Director

Date

11/20/13