

State of California

Division of Occupational Safety and Health
Cal/OSHA High Hazard Unit (0950662;4502)
2000 East McFadden Street, Suite 111
Santa Ana, CA 92705

Inspection Number: 314757055
Inspection Dates: 08/02/2011 -
Issuance Date: 01/13/2012
CSHO ID: W9404
Optional Inspection Nbr: 008-12



Citation and Notification of Penalty

Company Name: NATIONAL DISTRIBUTION CENTER, LP
Inspection Site: 6725 KIMBALL AVE, CHINO, CA 91708

Citation 1 Item 1 Type of Violation: Regulatory

§3664. Operating Rules

(a) Every employer using industrial trucks or industrial tow tractors shall post and enforce a set of operating rules including the appropriate rules listed in Section 3650(t).

The employer did not post a copy of the operating rules, including the appropriate rules listed in Section 3650(t).

Date By Which Violation Must be Abated: 02/12/2012
Proposed Penalty: \$ 375.00

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

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Company Name: NATIONAL DISTRIBUTION CENTER, LP
Inspection Site: 6725 KIMBALL AVE, CHINO, CA 91708

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

§3203. Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(1) Identify the person or persons with authority and responsibility for implementing the Program.

(2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

(3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

(A) When the Program is first established;

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(5) Include a procedure to investigate occupational injury or occupational illness.

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Company Name: NATIONAL DISTRIBUTION CENTER, LP
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(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

(7) Provide training and instruction:

(A) When the program is first established;

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

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The employer failed to implement and/or failed to ensure implementation of the required elements of an Injury and Illness Prevention Program including but not limited to:

1. The employer failed to identify and evaluate a variety of hazards including but not limited to the hazard of occupational heat exposure and heat illness for employees exposed to the risk of heat illness. Reference §3203(a)(4).
2. The employer failed to establish and implement procedures for correcting the hazard of occupational heat exposure and heat illness. Reference §3203(a)(6) and §5193(f).
3. The employer failed to provide training on the hazard of occupational heat exposure and heat illness before employees were exposed to the risk of heat illness. Reference §3203(a)(7) and §5193(f).

Date By Which Violation Must be Abated:	02/12/2012
Proposed Penalty:	\$ 700.00

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Citation and Notification of Penalty

Company Name: NATIONAL DISTRIBUTION CENTER, LP
Inspection Site: 6725 KIMBALL AVE, CHINO, CA. 91708

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

§2500.8. Uses Not Permitted.

- (a) Unless specifically permitted otherwise in Section 2500.7, flexible cords and cables shall not be used:
 - (1) as a substitute for the fixed wiring of a structure;
 - (2) where run through holes in walls, ceilings, or floors;
 - (3) where run through doorways, windows or similar openings;
 - (4) where attached to building surfaces;
 - (5) where concealed behind building walls, ceilings, or floors; or
 - (6) Where installed in raceways, except as otherwise permitted in these Electrical Safety Orders.

The employer had flexible cords attached to the building surface, where employees worked, between the following warehouse doors:

- 102 & 101**
- 103 & 104**
- 103 & 104**

Date By Which Violation Must be Abated:	02/12/2012
Proposed Penalty:	\$ 280.00

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Citation and Notification of Penalty

Company Name: NATIONAL DISTRIBUTION CENTER, LP
Inspection Site: 6725 KIMBALL AVE, CHINO, CA 91708

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

§2340.16. Work Space About Electric Equipment

(b) Work Space. Working space for equipment likely to require examination, adjustment, servicing, or maintenance while energized shall comply with the following dimensions, except as required or permitted elsewhere in these Orders.

(1) Depth. The depth of the working space in the direction of access to live parts shall not be less than indicated in Table 2340.16 unless permitted elsewhere in these orders.

Distances shall be measured from the live parts if they are exposed or from the enclosure front or opening if they are enclosed.

(2) Width. In addition to the dimensions of depth shown in Table 2340.16, the width of the workspace in front of the electric equipment shall not be less than the width of the equipment or 30 inches, whichever is greater.

In all cases, the workspace shall be adequate to permit at least a 90 degree opening of equipment doors or hinged panels.

(3) Height. The work space shall be clear and extend from the grade, floor, or platform to the height required by subsection (f) of this section. However, other equipment associated with the electrical installation and located above or below the electric equipment may extend not more than 6 in. (153 mm) beyond the front of the electric equipment.

The electrical panel next to driver door (Panel AHW3), where employees worked, was blocked by 3 water bottles (empty) stored approximately 17" in front of panel.

Date By Which Violation Must be Abated: 02/12/2012
Proposed Penalty: \$ 185.00

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Citation and Notification of Penalty

Company Name: NATIONAL DISTRIBUTION CENTER, LP
Inspection Site: 6725 KIMBALL AVE, CHINO, CA 91708

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

§2500.25. Maintenance of Outer Sheath.

Flexible cords shall be repaired or replaced if the outer sheath is damaged such that any conductor insulation or conductor is exposed. Repair of the outer sheath shall only be permitted if the conductors are not damaged and the completed repair retains the insulation, outer sheath properties, and usage characteristics of the cord being repaired.

The #146/driver door had a flexible cord which had a break in the insulation and was covered by electrical tape, which did not retain the outer sheath properties of the cord.

Date By Which Violation Must be Abated: 02/12/2012
Proposed Penalty: \$ 280.00

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

§3385. Foot Protection.

(a) Appropriate foot protection shall be required for employees who are exposed to foot injuries from electrical hazards, hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions, which may cause injuries or who are required to work in abnormally wet locations.

The employer required employees to wear safety shoes while working within the facility but failed to provide them.

Date By Which Violation Must be Abated: 02/12/2012
Proposed Penalty: \$ 375.00

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Citation and Notification of Penalty

Company Name: NATIONAL DISTRIBUTION CENTER, LP
Inspection Site: 6725 KIMBALL AVE, CHINO, CA 91708

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

§3656. Order Pickers and Stock Pickers.

(e) Where a clearance restriction or the nature of the work prohibits the use of standard guardrails, and the employee is exposed to a fall of 4 feet or more, a personal fall arrest system, a personal fall restraint system or positioning device system as defined in Section 3207 of these Orders shall be used in accordance with the requirements of Section 1670 of the Construction Safety Orders as an alternative means of protecting employees from falling. The lanyard length for a personal fall arrest system shall be such that the operator has freedom of movement in the working area, but shall be rigged such that an employee can neither free fall more than 4 feet nor contact any lower level. Lanyards shall be so arranged as not to cause a condition where the operator could trip on the lanyard.

REF:1670. Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices.

(b) Personal fall arrest systems and their use shall comply with the provisions set forth below. Effective January 1, 1998, except as permitted in subsections (c) and (d), body belts shall not be used as part of a personal fall arrest system.

(15) Personal fall arrest systems shall be inspected prior to each use for wear, damage, and other deterioration, and defective components shall be removed from service.

REF:1670. Personal Fall Arrest Systems, Personal Fall Restraint Systems and Positioning Devices.

(b) Personal fall arrest systems and their use shall comply with the provisions set forth below. Effective January 1, 1998, except as permitted in subsections (c) and (d), body belts shall not be used as part of a personal fall arrest system.

(19) Each personal fall arrest system shall be inspected not less than twice annually by a competent person in accordance with the manufacturer's recommendations. The date of each inspection shall be documented.

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At the time of the inspection employees were observed using employer provided harnesses and lanyards (personal fall arrest system) while operating stock pickers. The employees had not been trained and did not inspect the personal fall arrest system prior to each use for wear, damage, and other deterioration. REF: 1670(b)(15)

At the time of the inspection employees were observed using employer provided harnesses and lanyards (personal fall arrest system) while operating stock pickers. The employer did not ensure that each personal fall arrest system was being inspected not less than twice annually by a competent person in accordance with the manufacturer's recommendations. The date of each inspection was not being documented. REF: 1670(b)(19)

Date By Which Violation Must be Abated: 01/20/2012
Proposed Penalty: \$ 11250.00

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Company Name: NATIONAL DISTRIBUTION CENTER, LP
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Citation 3 Item 1 Type of Violation: **Serious**

§4353. Stationary Compaction Equipment and Balers.

(g) Compaction equipment shall be provided with a locking system to prevent unauthorized operation.

The trash compactor located on the loading dock area, was not equipped with a locking system to prevent unauthorized use.

Date By Which Violation Must be Abated: 01/20/2012
Proposed Penalty: \$ 4500.00

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

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

§5162. Emergency Eyewash and Shower Equipment.

(d) Performance. Plumbed and self-contained eyewash and shower equipment shall supply potable water at the flow rates and time durations specified in ANSI Z358.1-1981. The control valve shall be designed so that the water flow remains on without requiring the use of the operator's hands, and so that the valve remains activated until intentionally shut off for all but hand-held drench hoses. Personal eyewash units shall deliver potable water or other eye-flushing solution approved by the consulting physician.

The emergency eyewash, located in the battery charging area, where employees worked, was not performing correctly. There was brown water flowing and the right side flowed over the bowl and onto the floor and the left side did not have any flow.

Date By Which Violation Must be Abated: 01/20/2012
Proposed Penalty: \$ 6750.00


Compliance Officer/District Manager

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

State of California
Division of Occupational Safety and Health
Cal/OSHA High Hazard Compliance Unit
2000 East McFadden Avenue, Suite 111
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Tel (714) 567-7100 Fax (714) 567-6074

NOTICE OF PROPOSED PENALTIES

Company Name: NATIONAL DISTRIBUTION CENTER, LP

Inspection Site: 6725 KIMBALL AVE, CHINO, CA 91708
Mailing Address: 6725 KIMBALL AVE, CHINO, CA 91708

Issuance Date: 01/13/2012

Reporting ID: 0950662

Index Code: 4502

Summary of Penalties for Inspection Number 314757055

Citation 1, General	= \$	2195.00
Citation 2, Serious	= \$	11250.00
Citation 3, Serious	= \$	4500.00
Citation 4, Serious	= \$	6750.00
TOTAL PROPOSED PENALTIES	= \$	24695.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603**
