

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



12/04/2024

Mitchell Industrial Tire Co., Inc.
and its successors
P.O. Box 9537
Chattanooga, TN 37412

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000), which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (817) 428-2470.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,

Timothy Minor
Timothy Minor
Area Director

Enclosures

U.S. Department of Labor

Occupational Safety and Health Administration
8713 Airport Freeway
Suite 302
Fort Worth, TX 76180



Citation and Notification of Penalty

To:
Mitchell Industrial Tire Co., Inc.
and its successors
P.O. Box 9537
Chattanooga, TN 37412

Inspection Number: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024

Inspection Site:
415 N Connally Drive
Elm Mott, TX 76640

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (817) 428-2470. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically at www.pay.gov. At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 12/04/2024. The conference will be held by telephone or at the OSHA office located at 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1753657

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640
Issuance Date: 12/04/2024

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 8713 Airport Freeway, Suite 302, Fort Worth, TX 76180.**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review.



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

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

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; employee(s) utilized a warehouse racking system that had damaged vertical posts, horizontal beams and no identified maximum load capacities while storing and removing palletized product utilizing powered industrial trucks.

Among other methods, feasible and acceptable means of abatement would include follow the guidelines per American National Standards Institute (ANSI) and Rack Manufacturers Institute (RMI)-ANSI-RMI MH 16:1-2023, "Design, Testing, and Utilization of Industrial Steel Storage Racks" and adhere to the requirements, not limited to the following:

1) Section 4.1 Owner responsibilities: Owners shall maintain the structural integrity of the installed storage rack system by assuring proper operational, housekeeping, and maintenance procedures including, but not limited to, the following:

- Conduct periodic inspection of the storage rack system for damage and take appropriate steps to repair or replace damaged portions of the storage rack system (see 4.4).
- Conduct periodic inspection of the storage rack system for out-of-plumb and out-of-straight requirements (see 4.10) and deflection limits (see 9.3).
- Install load plaques (see 4.5) and maintaining load application and rack configuration drawings (see 4.6) for storage rack systems.

2) Section 4.4 Repair or replacement of damaged storage rack systems or components: Owners of industrial steel storage racks shall implement inspection, maintenance, and reporting procedures to identify any visible damage or other conditions that could affect the load capacity or structural performance of the industrial storage rack system. Upon identification of such conditions, the owner shall immediately isolate the affected portions of the industrial storage rack system and initiate a mitigative response, such as repair or replacement of the affected portions of the rack system. Before allowing the storage rack system to be placed back into service, a registered design professional

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: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

shall certify that the storage rack system and/or the repaired components have been restored to at least their original design capacity.

3) Section 4.5 Load Plaque: Industrial steel storage rack systems designed and installed in accordance with this standard shall be identified with one or more load plaques, displayed on or near the rack system. Each load plaque shall have an area of not less than 50 in² (320 cm²). Load plaques shall include the following information:

- a) the maximum permissible unit load and/or maximum uniformly distributed load per level;
- b) the average unit load (see 7.4.2.2) if applicable;
- c) the total average load per bay (see 7.2.2); and
- d) the maximum total load per bay.

Storage levels allowing multiple stacking of unit loads shall be identified. Information on load plaques shall represent the permissible load capacity of the rack systems as designed. If rack systems are modified in a way that invalidates the plaque information, the load plaques shall be updated with new information (see 4.11).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	January 03, 2025
Proposed Penalty:	\$14,518.00

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

Inspection Number: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29CFR1910.37(a)(3): Exit route(s) were not kept free and unobstructed:

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; emergency exits were blocked by palletized product while employees performed warehousing operations.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$8,296.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29 CFR 1910.176(b): Storage of material created a hazard:

On or about June 6, 2024, and at times prior thereto, in the receiving, storage, and shipping area, palletized product on the warehouse racking system was stored with unbanded product and broken pallet pieces hanging over the racks edge while employees performed warehousing operations.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$14,518.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29 CFR 1910.178(g)(2): Battery charging apparatus for industrial trucks located in battery changing and charging installation was not protected from damage by trucks:

On or about June 6, 2024, and at times prior thereto, the battery charging apparatus used to charge powered industrial truck batteries was not protected from damage by forklifts.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$12,445.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29 CFR 1910.178(g)(11): Precautions were not taken to prevent open flames, sparks, or electric arcs in battery charging area:

On or about June 6, 2024, and at times prior thereto, in the facility's electric powered industrial truck battery charging area; employee(s) utilized a forklift charging station with a damaged charging cable assembly while connecting and disconnecting powered industrial trucks from the battery charging station.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$12,445.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

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

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; employees operated powered industrial trucks without being evaluated while performing warehousing operations.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$14,518.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29CFR 1910.178(l)(2)(i)(A): The employer did not ensure trainees operated a powered industrial truck only under the direct supervision of persons who have the knowledge, training, and experience to train operators and evaluate their competence:

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; trainees operated powered industrial trucks without being under the direct supervision of persons who had the knowledge, training, and experience to train operators and evaluate their competency.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$14,518.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29CFR 1910.178(l)(3)(i)(M): The employer did not review the operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate:

On or about June 6, 2024, and at times prior thereto, the employer did not review the operating instructions, warnings, or precautions listed in the operator's manual with employees operating powered industrial vehicles in the warehouse receiving, storage, and shipping area.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$14,518.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s):

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; employee(s) operated a powered industrial truck with a damaged overhead protection rack while performing shipping and receiving operations.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$14,518.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

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

On or about June 6, 2024, and at times prior thereto, powered industrial trucks were not examined before being placed in service.

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$14,518.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; employee(s) handled and exchanged powered industrial truck liquid propane tank cylinders without being trained on the associated chemical hazard(s) and precaution(s).

In accordance with 29 CFR 1903.19(d), 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:	January 03, 2025
Proposed Penalty:	\$8,296.00

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: 1753657
Inspection Date(s): 06/07/2024 - 06/07/2024
Issuance Date: 12/04/2024



Citation and Notification of Penalty

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640

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

On or about June 6, 2024, and at times prior thereto, in the warehouse receiving, storage, and shipping area; an employee operated powered industrial trucks without being provided the required training and certification while performing warehousing operations.

In accordance with 29 CFR 1903.19(d), 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: January 03, 2025
Proposed Penalty: \$145,191.00

Timothy Minor

Timothy Minor
Area Director

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

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



**INVOICE /
DEBT COLLECTION NOTICE**

Company Name: Mitchell Industrial Tire Co., Inc.
Inspection Site: 415 N Connally Drive, Elm Mott, TX 76640
Issuance Date: 12/04/2024

Summary of Penalties for Inspection Number: 1753657

Citation 1 Item 1, Serious	\$14,518.00
Citation 1 Item 2, Serious	\$8,296.00
Citation 1 Item 3, Serious	\$14,518.00
Citation 1 Item 4, Serious	\$12,445.00
Citation 1 Item 5, Serious	\$12,445.00
Citation 1 Item 6, Serious	\$14,518.00
Citation 1 Item 7, Serious	\$14,518.00
Citation 1 Item 8, Serious	\$14,518.00
Citation 1 Item 9, Serious	\$14,518.00
Citation 1 Item 10, Serious	\$14,518.00
Citation 1 Item 11, Serious	\$8,296.00
Citation 2 Item 1, Willful - Serious	\$145,191.00

TOTAL PROPOSED PENALTIES: \$288,299.00

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 at www.pay.gov. At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two times.

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

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

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

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Timothy Minor

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Area Director

December 04, 2024

Date