

Crandall Compliance Alert

OSHA Cites Monro Muffler Brake \$184,000

The U.S. Department of Labor's Occupational Safety and Health Administration has cited Monro Muffler Brake Inc. for 10 alleged violations of workplace safety standards after an employee was burned in a Feb. 2 fire at the company's Hyannis location when a spark from an acetylene torch ignited an open container of gasoline. The Rochester, N.Y.-based automotive service company faces a total of \$184,000 in proposed fines.

"This is exactly the type of incident and injury that results when an employer fails to comply with common-sense and legally required safeguards for workers," said Brenda Gordon, OSHA's area director. "To prevent such occurrences and protect the safety and health of its workers, the employer must ensure that safety and health requirements are met and maintained at all times at all of its locations."

OSHA's inspection found employees exposed to fire hazards from the open container of gasoline, combustibles allowed in the work area when the acetylene torch was being used, an unapproved light fixture in a hazardous location and a lack of training in fire extinguisher use for employees. An additional significant fire hazard stemmed from employees smoking in the auto service area where combustible fuels are drained, and where fuel system components that may leak combustible fuel are removed and replaced.

OSHA also identified several other hazardous conditions at the Hyannis location, including inadequate lighting for work areas, lack of eye flushing facilities, exposed electrical openings, lack of eye protection and failure to inform all employees of the hazards of chemicals in their workplaces.

Monro Muffler Brake was cited for one willful violation with a \$70,000 fine for the fire hazard caused by smoking; three repeat violations with \$80,000 in fines for the fire extinguisher, chemical and eye protection hazards; and six serious violations with \$34,000 in fines for the remaining items.

A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. In this case, the repeat citations stem from violations cited in 2009 and 2010 for similar hazards at Victor, N.Y., and Norwich, Conn., locations.