

Company Name Withheld  
Indiana  
September 4th 2007

Your Reference: #206464XXX  
XXX XXX XXX Avenue.  
Tulsa, OK 74128

Dear Sir:

On August 30th 2007 we received Fax notification of alleged hazards at the location referenced above. On receipt of the notification we dispatched our Certified Material Handling Equipment (MHE) Trainer from the corporate offices here in Indiana to our Tulsa location. Our findings and answers to points 1-5 on your notification are:

*1. No employee training regarding forklifts. If true, this may be in violation of 29 CFR 1910.178 and may be corrected by ensuring that each powered industrial truck operator is competent to operate a powered industrial truck safely, and demonstrated by the successful completion of the training and evaluation specified in paragraph (1) of the standard. In addition, if any operator is operating the vehicle in an unsafe manner conduct refresher training.*

This company maintains a training program on all Material Handling Equipment and our record keeping complies fully with the standard referenced (29 CFR 1910.178). Our corporate MHE trainer carried out training (for new employees) and refresher training for all staff that may use MHE. I have attached the training record; employees will be issued certification cards. All MHE safety equipment was inspected and replaced where necessary.

*2. Materials are leaning out of the bins and could fall on someone. If true this may be in violation of 29 CFR 1970.176(b) and may be corrected by ensuring that storage of materials does not create a hazard. Store items in such a manner that they are stable and secure against sliding or collapse.*

A full inspection was carried out by on site staff immediately after our telephone notification and by corporate staff the following day. No unsafe practices were found. Staff was given notice of their responsibility to maintain a safe environment while stocking shelves.

*3. Unsafe driving of employees operating forklifts. If true this may be in violation of 29 CFR 1910.178 and may be corrected by ensuring 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 paragraph (1) of the standard. In addition, if any operator is operating the vehicle in an unsafe manner conduct refresher training.*

This has been addressed in answer to point 1.

*4. Fire extinguishers are blocked. If true this may be in violation of 29 CFR 1910.151(c) and may be corrected by providing suitable facilities for quick drenching or flushing of the eyes and body within the work area for immediate emergency use where the eyes or body of any person may be exposed to injurious corrosive materials.*

Although The standard referenced 29 CFR 1910.151(c) refers to eyewash stations, in spirit of this notification a full inspection was carried out on all fire extinguishers and their placement by a third party fire safety company and the location was found to be to code. Fire extinguishers were all accessible. In response to 29 CFR 1910.151(c) An eyewash station was placed beside the MHE charging area and medical supplies compliant with the non-mandatory appendix of the standard was provided.

*5. No training in MSDSs regarding chemicals used at the facility.  
If true this may be in violation of 29 CFR 1910.1200 and may be corrected by establishing a continuing effective hazard communication program which includes:  
a) a written program as outlined by the standard;  
b) training of employees on the hazards of the chemicals they work with, including an explanation of Material Safety Data Sheets, as outlined by the standard;  
c) collection of material safety data sheets for all chemicals used by employees;  
d) ensuring worker access to those material safety data sheets; and,  
e) provisions to ensure container of hazardous chemicals are properly labeled.*

This company does not store or sell in our normal operations substances attracting regulation. However in the normal daily maintenance quantities of engine oil (for delivery vehicles) and less than 5 Gallons of Gasoline (lawn mower fuel) were identified as requiring MSDS. This company ensured all employees were notified of the location of MSDS and safety aspects under the standard. A material safety review is in place and will be revisited periodically. In summary XXXXX Company is committed to a safe working environment for all employees complying to both the letter and spirit of the standard.