

Virginia Department of Labor and Industry  
Virginia Occupational Safety and Health (VOSH) Compliance  
Brammer Village  
3013 Peters Creek Road  
Roanoke, VA 24019  
Phone: (540) 562-3580 Fax: (540) 562-3587



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## Citation and Notification of Penalty

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**To:**  
The Goodyear Tire & Rubber Company  
and its successors  
1901 Goodyear Blvd  
Danville, VA 24541

**Inspection Number:** 1136814  
**Inspection Date(s):** 04/01/2016-09/27/2016  
**Issuance Date:** 09/28/2016

**Inspection Site:**  
1901 Goodyear Blvd  
Danville, VA 24541

*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.*

**Citation and Notification of Penalty.** Described herein are alleged violations of Virginia's Occupational Safety and Health (VOSH) laws, standards and/or regulations. Any penalty proposed is based on the corresponding violation. In accordance with Virginia Code §40.1-49.4(b)(4), you must abate all alleged violations by the dates listed and pay the penalties proposed, unless, within 15 working days (excluding weekends and State and Federal holidays) from the date you receive this citation, you submit a written notice of contest to the Virginia Department of Labor and Industry Regional Office at the address listed above. Issuance of this citation does not constitute a finding by the Commissioner that you have violated the law, standard or regulation described unless you fail to file a written notice of contest or this citation is affirmed by a court of law.

**Please read the enclosed booklet entitled *Employer Responsibilities and Courses of Action Following a VOSH Inspection* in conjunction with this citation to learn your rights and responsibilities.**

**Posting.** Virginia law requires you to immediately post a copy of this Citation in a prominent place at or near the location of the violation(s), or if it is not practicable because of the nature of your operations to do so, in a place where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) have been abated, or for 3 working days (excluding weekends, State and Federal holidays), whichever is longer. **The penalty amounts may be marked out or covered up prior to posting. Please note that these penalty amounts are releasable by the Department in response to a Freedom of Information Act (FOIA) request.**

**Informal Conference.** You have the right to an informal conference with the VOSH Regional Safety Director at which you may present evidence to support amending the citation, order of abatement or penalties proposed. An informal conference, which is normally held during the 15 working day contest period, is optional. If you wish to attend an informal conference, you must contact the VOSH Regional Safety Director at the Regional Office listed above.

**If you request an informal conference, you must notify your employees of the time and place.** Be sure to bring to the conference any documentation of existing conditions as well as abatement steps taken thus far. If conditions warrant, this matter may be resolved amicably without the need for litigation, by way of an Informal Settlement Agreement.

**Requesting an informal conference does not extend the 15 working day contest period.**

**Right to Contest.** You have the right to contest this Citation. 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. This citation and the penalties proposed will become a final order of the Commissioner of Labor and Industry unless you notify VOSH in writing within 15 working days of receiving this citation that you contest the citation or any part thereof.

**Penalty Payment.** Penalties are due within 15 working days of receipt of this notification unless you contest. Make your check or money order payable to "Commonwealth of Virginia ". **Please indicate the Inspection Number on the check or money order.**

The Virginia Department of Labor and Industry does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action.** For violations which you do not contest, you must promptly notify the VOSH Regional Safety Director at the VOSH Regional Office listed above, by completing the enclosed Report on Correction of Violations form, and indicates that you have taken appropriate corrective action by the date(s) specified in this citation. The form must include abatement steps you have taken and the dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

**Employment Discrimination Unlawful.** Virginia Code §§40.1-51.2:1 and -51.2:2 prohibit discrimination against any employee who has filed a complaint or who has exercised any rights under the safety and health provisions of Title 40.1 of the Code of Virginia. An employee who believes that he/she has been discriminated against may file a complaint no later than 60 days after the discrimination occurred with the VOSH Office of Whistleblower Protection at Suite 207, 600 East Main Street, Richmond, VA 23219.

**Notice to Employees.** The law gives an employee or his/her representative the opportunity to contest in writing any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Regional Office at the address shown above and postmarked within 15 working days (excluding weekends and State and Federal holidays) of the employer's receipt of this Citation.

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## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with VOSH to discuss the Citation(s) issued 09/28/2016. The conference will be held at the VOSH office located at Brammer Village, 3013 Peters Creek Road, Roanoke, VA 24019 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Virginia Department of Labor and Industry**  
**Virginia Occupational Safety and Health (VOSH) Compliance**  
Brammer Village  
3013 Peters Creek Road  
Roanoke, VA 24019

**Inspection Number:** 1136814  
**Inspection Date:** 04/01/2016-  
09/27/2016



**Issuance Date:** 09/28/2016

**Citation and Notification of Penalty**

**Company Name:** The Goodyear Tire & Rubber Company  
**Inspection Site:** 1901 Goodyear Blvd, Danville, VA 24541

Citation 1 Item 1

Type of Violation: **Serious**

Code of Virginia 40.1-51.1.A - The employer, The Goodyear Tire and Rubber Company at 1901 Goodyear Boulevard, Danville, VA., did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employee(s) in that employee(s) were exposed to struck by and/or caught between hazards from materials and equipment, when the employee(s) took rest/sleep breaks from operating machines that would run for hours at a time.

On or about March 31, 2016, an employee of The Goodyear Tire and Rubber Company was fatally injured while resting/sleeping behind a load of pallets. A forklift was used to shift the pallets which struck the victim. The investigation revealed that it was well known on the work shift that the victim regularly left his work station during machine runs without reporting his whereabouts. On the day of the accident, the victim was last seen at approximately 1:15 pm while on his lunch break. He did not return to his work station at the end of lunch break and his absence was not noted by supervisory personnel until approximately 5:00 pm. His body was not found until approximately 6:06 pm.

The investigation further revealed that the employer had established the following work rules in the "Associate Procedure Booklet" (revised 1-27-03).

Page 5, General Safety Rules and Policies

...

The following are examples of acts detrimental to property or individuals and may be cause for disciplinary action or discharge...

...

14. Sleeping during the workshift."

Page 10. Danville Work Codes -- General

"2. ...Associates on continuous operations are to remain at their work station until relieved or as instructed by management."

Page 11

"10. If an associate wishes to leave his/her work station at other than regular break time, that person must first receive permission from management or designated personnel..."

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The investigation did not reveal any information to indicate that the victim had been previously disciplined for his actions by the employer.


One feasible abatement method, among others, to correct this hazard is for the employer to implement and enforce its safety policies addressing employee's leaving their work stations as outlined in the Associate Procedure Booklet.

**Date by Which Violation Must Be Abated:**

**October 04, 2016**

**Proposed Penalty:**

**\$7000.00**

  
\_\_\_\_\_  
Lee A. Willis  
VOSH Regional Safety Director

**Virginia Department of Labor and Industry**  
**Virginia Occupational Safety and Health (VOSH) Enforcement**  
Brammer Village  
3013 Peters Creek Road  
Roanoke, VA 24019  
Phone: (540) 562-3580 FAX: (540) 562-3587



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## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** The Goodyear Tire & Rubber Company  
**Inspection Site:** 1901 Goodyear Blvd, Danville, VA 24541  
**Issuance Date:** 09/28/2016  
**Inspection Number:** 1136814

**Summary of Proposed Penalties:**

Citation 1 Item 1, Serious	7000.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>7000.00</b>

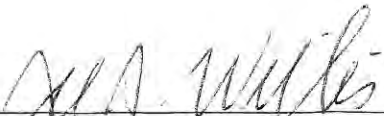
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Pursuant to Virginia Code §40.1-49.4.A.4.(a), the Commissioner of the Department of Labor and Industry may assess interest on all past-due penalties as well as administrative costs incurred in the collection of the penalties for violations of Virginia Occupational Safety and Health (VOSH) laws, regulations, and standards. Interest charges are assessed at an annual rate in accordance with Virginia Code §2.2-4805.

Interest shall accrue from the date on which the citation, either as issued or as amended, becomes a final order of the Commissioner. A citation becomes a final order 15 working days after the date that the employer receives the citation unless the employer files a notice of contest with VOSH. **Interest is waived if the employer pays the full amount within 30 calendar days of the final order date.**

A debt is past-due 30 calendar days after the final order date unless the employer makes a satisfactory payment arrangement with the Commissioner. If the debt remains unpaid for more than 90 days, it is deemed delinquent and referred to the Office of the Attorney General or other collection agency for collection. Administrative costs incurred in collecting the debt will be added to the amount of the debt.

To avoid potential interest and collection costs, please send payment promptly for the total amount of the uncontested penalties shown on the citation to the Accounting Office, Virginia Department of Labor and Industry, Main Street Centre, 600 East Main Street, Suite 207, Richmond, VA 23219. You may use the enclosed self-addressed envelope. **Please make your check or money order payable to: "Commonwealth of Virginia". Please indicate the Inspection Number on the payment. Do not send payment to the Regional Office.**

  
\_\_\_\_\_  
Lee A. Willis  
VOSH Regional Safety Director

  
\_\_\_\_\_  
Date

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## REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION

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**Company Name:**

The Goodyear Tire & Rubber Company  
1901 Goodyear Blvd  
Danville, VA 24541

**RETURN FORM TO:**

Virginia Department of Labor and Industry  
Brammer Village  
3013 Peters Creek Road  
Roanoke, VA 24019  
Phone: (540) 562-3580 Fax: (540) 562-3587

**Inspection Number:** 1136814

Please provide the corrective action taken and date of completion by each numbered item as indicated on the attached form, along with adequate supporting documentation (e.g., copies of written programs (Safety, Lockout/Tagout, Hazard Communication, Respiratory Protection, Confined Spaces, etc.), drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results (such as air contaminants, noise monitoring, asbestos, lead, etc). For accuracy, please refer to the enclosed citations when completing this form.

Be sure to address all items on the citation, including any other-than-serious items. *Failure to do so will delay documentation of your abatement efforts and may result in a follow-up inspection and could result in additional proposed penalties of \$1,000.00.* Please be aware that Virginia Code §40.1-51.4:2 provides for a fine of not more than \$10,000.00, or imprisonment for not more than six (6) months, or both, for making false statements. Please type or print legibly. **Also, please be sure to sign and date this form.**

### Abatement Verification Statement:

Regarding the abatement actions on the following page(s), the undersigned certifies that:

1. All affected employees were promptly notified of all the hazards which were cited in this VOSH Citation.
2. For ALL items cited, a copy of the citation was posted at or near the location where each violation described in the citation occurred until each violation was abated or for a minimum of 3 working days (excluding weekends and State and Federal holidays), whichever is later; or
3. For all hand held or moveable equipment a warning tag or copy of the citation was attached to the equipment until the violation was abated, until the item was removed from service, or until such time as the item was no longer in the employer's control.
4. All items cited on the VOSH Citation were corrected and a copy of the Abatement Verification was made available for review to all affected employees by posting or other appropriate means on the date of the signing of this form.

**NOTE: PLEASE MARK ABATEMENT VERIFICATION WITH MATCHING VIOLATIONS.**

\_\_\_\_\_  
Employer Signature / Title

\_\_\_\_\_  
Date of Verification

\_\_\_\_\_  
Print Name and Title of Employee Representative

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**REPORT OF CORRECTIVE ACTIONS/ABATEMENT VERIFICATION**

Citation #:			Item Number			Date Item Corrected	
1			1				
<p>Corrective action taken:</p> <hr/> <hr/> <p>List type of supporting documentation attached: _____</p>							