U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street Room 3901, J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: (603)225-1629 Fax: (603)225-1580

Citation and Notification of Penalty

To:
Demoulas Super Markets, Inc, dba Market Basket
and its successors
875 East Street
Tewksbury, MA 01876

Inspection Site:
497 US 202
Rindge, NH 03461

Inspection Number: 29247
Inspection Date(s): 04/19/2011 - 09/01/2011
Issuance Date: 10/07/2011

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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

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. 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.

OSHA 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 each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an ***abatement certification*** to the Area Director of the OSHA office issuing the citation as identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

All abatement verification documents must contain the following information: 1) Your name and address; **2)** the inspection number (found on the front page); **3)** the citation and citation item number(s) to which the submission relates; **4)** a statement that the information is accurate; **5)** the signature of the employer or employer's authorized representative; **6)** the date the hazard was corrected; **7)** a brief statement of how the hazard was corrected; and **8)** a statement that affected employees and their representatives have been informed of the abatement.

Also, the law requires a copy of all abatement verification documents which are required by 29 CFR 1903.19 be posted at the location where the violation appeared and the corrective action took place.

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, but not sooner than 30 calendar days after the citation issuance date. 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.

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

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/07/2011. The conference will be held at the OSHA office located at 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg., Concord, NH 03301 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 29247

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461
Issuance Date: 10/07/2011

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, 53 Pleasant Street, Room 3901, J.C. Cleveland Federal Bldg. Concord, NH 03301**

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: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer 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 employees in that an employee was exposed to hazards including, but not limited to, paralysis and internal bleeding where emergency medical services were not called and the employee was moved after they had fallen onto a concrete floor:

a. Stock Room- On or about 4/17/2011, the employer failed to call emergency medical services for an employee who sustained broken bones and head trauma after falling more than 11 feet from a mezzanine to a concrete floor. The employer lifted the injured employee from the concrete floor, put the employee into a wheelchair, and pushed the employee to the rear receiving dock. The employer then telephoned a relative of the injured employee to retrieve the injured employee and transport them to the hospital.

A feasible means of abatement includes, but not limited to, adhering to the company's emergency response procedures which require calling 911 for all medical emergencies and following the instructions of the 911 operator to provide appropriate medical care until emergency medical services arrive at the facility.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/07/2011
Proposed Penalty: $7000.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.23(e)(1): An intermediate rail was not installed approximately halfway between the top rail and the floor, platform, runway, or ramp:

a. Stock Room- Employees were exposed to fall hazards where inadequate guardrail systems installed along the storage loft did not have mid rails.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $5500.00

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

29 CFR 1910.23(e)(4): A standard toe board was not 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp:

a. Stock Room- Employees were exposed to overhead struck by hazards where toe boards were not installed along the catwalk and storage lofts.

Date by which Violation must be Abated: Corrected During Inspection

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

29 CFR 1910.24(b): Fixed stairs were not provided for access from one structure level to another where operations necessitated regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations:

a. Stock Room- The employer did not provide fixed stairs where employees accessed the storage area on top of the produce cooler on a daily basis.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $5500.00

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

29 CFR 1910.24(f): Rise height and tread width were not uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs:

a. Stock Room- Employees accessing the wooden stairs leading from the catwalk to the storage loft were exposed to a fall hazard where two of the riser heights were 8 inches and one riser was 12 inches.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $5500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

29 CFR 1910.36(g)(2): An exit access was not at least 28 inches (71.1 cm) wide at all points:

a. Catwalk- Employees were exposed to fire and entrapment hazards where the exit access was between 14 inches to 22 inches wide due to being obstructed by the storage of produce trays and boxes.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $3300.00

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

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed:

a. Storage Loft- Employees were exposed to trip hazards where piping was installed on the floor within the exit route behind the employee break room, mechanical room, and storage lofts.

Date by which Violation must be Abated: 10/21/2011
Proposed Penalty: $6600.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.133(a)(1): The employer did not ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation:

a. Stock Room- Employees exposed to eye and face hazards from battery acid were not provided with eye or face protection from the employer.

Date by which Violation must be Abated: 10/07/2011
Proposed Penalty: $5500.00

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

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employee(s) hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes:

a. Stock Room- Employees were exposed to burns from battery acid where the employer failed to provide gloves for hand protection.

Date by which Violation must be Abated: 10/07/2011

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

29 CFR 1910.151(c): Where employees were exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body were not provided within the work area for immediate emergency use:

a. Site- Employees exposed to battery acid in the stock room did not have immediate access to an eye wash where the two eye wash stations were located more than 55 feet away and were obstructed by doors in the deli and meat departments along with pallets of stored material in the aisle.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 308658749, citation number 1, item number 2, issued on 4/7/2005, with respect to a workplace located at 225 Newburyport Turnpike, Rowley, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 109625863, citation number 1, item number 6, issued on 10/9/2001, with respect to a workplace located at 875 East Street, Tewksbury, MA.

Date by which Violation must be Abated: 10/07/2011

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

29 CFR 1910.135(a)(1): The employer did not ensure that each affected employee wear a protective helmet when working in areas where there is a potential for injury to the head from falling objects:

a. Stock Room- Employees who were exposed to over head struck-by hazards from items that were dropped from the storage lofts were not provided with head protection from the employer.

Date by which Violation must be Abated: 10/07/2011
Proposed Penalty: $3300.00

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

29 CFR 1910.303(g)(2)(i): Except as elsewhere required or permitted by this standard, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by use of approved cabinets or other forms of approved enclosures or by any of the following means:

a. Stock Room- Employees were exposed to electric shock and burns where the panel board located behind the deli in the main corridor had an unguarded opening exposing live parts.

Date by which Violation must be Abated: 10/07/2011
Proposed Penalty: $5500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

29 CFR 1910.1030(c)(1)(i): The employer having employee(s) with occupational exposure to blood or other potentially infectious materials did not establish a written Exposure Control Plan designed to eliminate or minimize employee exposure:

a. Site- The employer did not have a written Exposure Control Plan where employees had occupational exposure while cleaning equipment and work areas that were contaminated with human blood.

Date by which Violation must be Abated: 10/21/2011
Proposed Penalty: $5500.00

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

29 CFR 1910.1030(d)(3)(ii): The employer did not ensure that the employee used appropriate personal protective equipment when there was occupational exposure:

a. Stock Room- On or about 4/17/2011 the employer did not ensure that an employee who was directed to clean a work area that was contaminated with blood from another employee used personal protective equipment.

Date by which Violation must be Abated: 10/07/2011
Proposed Penalty: $5500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

Citation 1 Item 12 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:

a. Site- Employees were not provided with training on chemicals used in the workplace including, but not limited to, cleaning chemicals and battery acid.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 309348563, citation number 1, item number 3, issued on 4/13/2006, with respect to a workplace located at 160 Littleton Road, Westford, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 308658749, citation number 1, item number 3, issued on 4/7/2005, with respect to a workplace located at 225 Newburyport Turnpike, Rowley, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 122113319, citation number 2, item number 1c, issued on 11/6/1995, with respect to a workplace located at 1 Grocery Way, Lawrence, MA.

Date by which Violation must be Abated: 10/21/2011
Proposed Penalty: $5500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1910.23(c)(1): Every open-sided floor or platform 4 feet or more above adjacent floor or ground level was not guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder:

a. Stock Room- Employees dropping boxes of chips from the chip loft were exposed to a fall where an incomplete guardrail was installed along the open sided floor. On or about 4/17/2011, an employee fell 11 feet 2 inches from the chip loft while dropping boxes of chips.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.23(a)(1), which was contained in OSHA inspection number 109625863, citation number 1, item number 3, issued on 10/9/2001, with respect to a workplace located at 875 East Street, Tewksbury, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 300447018, citation number 1, item number 1, issued on 11/17/1998, with respect to a workplace located at Fort Eddy Road, Concord, NH

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 10017416, citation number 1, item number 1, issued on 6/30/1975, with respect to a workplace located at 700 Essex Street, Lawrence, MA.

(continued next page)

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 10671006, citation number 1, item number 1, issued on 4/11/1975, with respect to a workplace located at 130 Water Street, Fitchburg, MA.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $70000.00

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

29 CFR 1910.23(c)(2): Runways four feet or more above floor or ground level were not guarded by standard railings (or the equivalent) and toe boards:

a. Stock Room- Employees retrieving produce trays from the catwalk were exposed to a fall hazard of 8 feet 8 inches where there was no guard rail at the end of the catwalk.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.23(a)(1), which was contained in OSHA inspection number 109625863, citation number 1, item number 3, issued on 10/9/2001, with respect to a workplace located at 875 East Street, Tewksbury, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.23(c)(1), which was contained in OSHA inspection number 300447018, citation number 1, item number 1, issued on 11/17/1998, with respect to a workplace located at Fort Eddy Road, Concord, NH

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.23(c)(1), which was contained in OSHA inspection number 10017416, citation number 1, item number 1, issued on 6/30/1975, with respect to a workplace located at 700 Essex Street, Lawrence, MA.

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Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.23(c)(1), which was contained in OSHA inspection number 10671006, citation number 1, item number 1, issued on 4/11/1975, with respect to a workplace located at 130 Water Street, Fitchburg, MA.

Date by which Violation must be Abated: Corrected During Inspection

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

Citation 2 Item 2a Type of Violation: **Willful - Serious**

29 CFR 1910.132(d)(1): The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment:

a. Produce- Employees were exposed to laceration hazards where an assessment of the workplace was not conducted to determine if personal protective equipment was necessary.

b. Deli- Employees were exposed to laceration hazards where an assessment of the workplace was not conducted to determine if personal protective equipment was necessary.

c. Bakery- Employees were exposed to laceration hazards where an assessment of the workplace was not conducted to determine if personal protective equipment was necessary.

d. Dairy- Employees were exposed to laceration hazards where an assessment of the workplace was not conducted to determine if personal protective equipment was necessary.

e. Grocery- Employees were exposed to laceration, eye, and face hazards where an assessment of the workplace was not conducted to determine if personal protective equipment was necessary.

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Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 309348563, citation number 2, item number 1, issued on 4/13/2006, with respect to a workplace located at 160 Littleton Road, Westford, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.132(d)(2), which was contained in OSHA inspection number 306097866, citation number 1, item number 1b, issued on 2/4/2004, with respect to a workplace located at 875 East Street, Tewksbury, MA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/31/2011
Proposed Penalty: $60500.00

Citation 2 Item 2b Type of Violation: **Willful - Serious**

29 CFR 1910.138(a): The employer did not select and require employee(s) to use appropriate hand protection when employees' hands were exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasion; punctures; chemical burns; thermal burns; and harmful temperature extremes.

a. Produce- Employees were exposed to severe lacerations from kitchen knives where hand protection was not provided by the employer.

b. Deli- Employees were exposed to severe lacerations from kitchen knives where hand protection was not provided by the employer.

c. Bakery- Employees were exposed to severe lacerations from kitchen knives where hand protection was not provided by the employer.

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Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 309348563, citation number 1, item number 1, issued on 4/13/2006, with respect to a workplace located at 160 Littleton Road, Westford, MA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/17/2011

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

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

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

a. Meat Department- Employees were exposed to amputation hazards during cleaning operations for the Hobart meat saw where procedures were not developed, documented, and utilized to prevent the unintentional start up of the equipment.

b. Seafood Department- Employees were exposed to amputation hazards during cleaning operations for the seafood cooler where procedures were not developed, documented, and utilized to prevent the unintentional start up of the equipment.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 311177794, citation number 1, item number 1, issued on 1/18/2008, with respect to a workplace located at 227 Highland Ave, Salem, MA. The final order date for the citation was on 2/6/2008 upon signing an informal settlement agreement.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.147(c)(1), which was contained in OSHA inspection number 310190178, citation number 1, item number 1b, issued on 9/18/2006, with respect to a workplace located at 875 East Street, Tewksbury, MA. The final order date for the citation was on 10/18/2006 upon signing an informal settlement agreement.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.147(c)(1), which was contained in OSHA inspection number 109625863, citation number 1, item number 5, issued on 10/9/2001, with respect to a workplace located at 875 East Street, Tewksbury, MA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/11/2011
Proposed Penalty: $27500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

Citation 3 Item 2 Type of Violation: **Repeat - Serious**

29 CFR 1910.147(c)(5)(i): Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware were not provided by the employer for isolating, securing or blocking of machines or equipment from energy sources:

a. Meat Department- Employees were exposed to amputation hazards during cleaning operations for the Hobart meat saw where locking hardware for circuit breakers was not provided by the employer.

b. Seafood Department- Employees were exposed to amputation hazards during cleaning operations for the seafood cooler where locking hardware for circuit breakers was not provided by the employer.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 311177794, citation number 1, item number 2, issued on 1/18/2008, with respect to a workplace located at 227 Highland Ave, Salem, MA. The final order date for the citation was on 2/6/2008 upon signing an informal settlement agreement.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.147(c)(1), which was contained in OSHA inspection number 310190178, citation number 1, item number 1b, issued on 9/18/2006, with respect to a workplace located at 875 East Street, Tewksbury, MA. The final order date for the citation was on 10/18/2006 upon signing an informal settlement agreement.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.147(c)(1), which was contained in OSHA inspection number 109625863, citation number 1, item number 5, issued on 10/9/2001, with respect to a workplace located at 875 East Street, Tewksbury, MA.

(continued next page)

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/11/2011
Proposed Penalty: $27500.00

Citation 3 Item 3 Type of Violation: **Repeat - Serious**

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure that the purpose and function of the energy control program are understood by employees and that the knowledge and skills required for the safe application, usage, and removal of the energy controls are acquired by employees:

a. Meat Department- Employees were exposed to amputation hazards during cleaning operations for the Hobart meat saw where employees were not provided with lockout/tagout training from the employer.

b. Seafood Department- Employees were exposed to amputation hazards during cleaning operations for the seafood cooler where employees were not provided with lockout/tagout training from the employer.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 311177794, citation number 1, item number 3, issued on 1/18/2008, with respect to a workplace located at 227 Highland Ave, Salem, MA. The final order date for the citation was on 2/6/2008 upon signing an informal settlement agreement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated: 10/11/2011
Proposed Penalty: $27500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

Citation 3 Item 4 Type of Violation: **Repeat - Serious**

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

a. Site- Employees operating powered industrial trucks were not adequately trained.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 314454224, citation number 1, item number 1, issued on 5/5/2010, with respect to a workplace located at 340 Ballardvale Street, Andover, MA. The final order date for the citation was on 5/24/2010 upon signing an informal settlement agreement.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.178(l)(4)(iii), which was contained in OSHA inspection number 306097866, citation number 1, item number 2, issued on 2/4/2004, with respect to a workplace located at 875 East Street, Tewksbury, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard or its equivalent standard, 1910.178(l)(3(iii), which was contained in OSHA inspection number 109625863, citation number 1, item number 7b, issued on 10/9/2001, with respect to a workplace located at 875 East Street, Tewksbury, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 101447902, citation number 1, item number 1, issued on 4/22/1987, with respect to a workplace located at 875 East Street, Tewksbury, MA.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM .

Date by which Violation must be Abated: 10/31/2011
Proposed Penalty: $38500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

Citation 3 Item 5 Type of Violation: **Repeat - Serious**

29 CFR 1910.212(a)(1): One or more methods of machine guarding was not provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks:

a. Site- On or about 4/21/2011 an employee operating a Hobart meat saw was exposed to laceration and amputation hazards where the adjustable blade guard was positioned so that unused portions of the blade were left exposed.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 313064123, citation number 1, item number 1, issued on 7/20/2009, with respect to a workplace located at 49 Pond Street, Ashland, MA. The final order date for the citation was on 8/5/2009 upon signing an informal settlement agreement.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 309348563, citation number 1, item number 2, issued on 4/13/2006, with respect to a workplace located at 160 Littleton Road, Westford, MA.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 10671006, citation number 1, item number 3, issued on 4/11/1975, with respect to a workplace located at 130 Water Street, Fitchburg, MA.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $38500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

Citation 3 Item 6 Type of Violation: **Repeat - Serious**

29 CFR 1910.1030(g)(2)(i): The employer did not ensure that each employee with occupational exposure participated in a training program:

a. Stock Room- On or about 4/17/2011 an employee was required to clean equipment and work areas which were contaminated with human blood and was not provided with bloodborne pathogen training from the employer.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 313064123, citation number 1, item number 2, issued on 7/20/2009, with respect to a workplace located at 49 Pond Street, Ashland, MA. The final order date for the citation was on 8/5/2009 upon signing an informal settlement agreement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date by which Violation must be Abated:	10/24/2011
Proposed Penalty:	$27500.00

Citation and Notification of Penalty

Company Name: Demoulas Super Markets, Inc, dba Market Basket
Inspection Site: 497 US 202, Rindge, NH 03461

Citation 4 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1910.1200(g)(1): The employer did not have a material safety data sheet for each hazardous chemical which they used:

a. Site- The employer did not have a material safety data sheet for battery acid in regards to the powered industrial trucks onsite.

DeMoulas Super Markets, Inc dba Market Basket was previously cited for a violation of this occupational safety and health standard which was contained in OSHA inspection number 122113319, citation number 2, item number 1b, issued on 11/6/1995, with respect to a workplace located at 1 Grocery Way, Lawrence, MA.

Date by which Violation must be Abated: Corrected During Inspection
Proposed Penalty: $.00

Rosemarie Ohar
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
53 Pleasant Street
Room 3901, J.C. Cleveland Federal Bldg.
Concord, NH 03301
Phone: (603)225-1629 Fax: (603)225-1580

INVOICE / DEBT COLLECTION NOTICE

Company Name: **Demoulas Super Markets, Inc, dba Market Basket**
Inspection Site: **497 US 202, Rindge, NH 03461**
Issuance Date: **10/07/2011**

Summary of Penalties for Inspection Number	**29247**
Citation 1, Serious	**$64200.00**
Citation 2, Willful - Serious	**$130500.00**
Citation 3, Repeat - Serious	**$187000.00**
Citation 4, Other-than-Serious	**$.00**
TOTAL PROPOSED PENALTIES	**$381700.00**

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.

OSHA 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 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 2 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.

Rosemarie Ohar

Rosemarie Ohar
Area Director

10/7/11

Date