From: Kyle Moring [redacted]
Subject: Imminent Danger Referral — Live Construction at TLE & Damp Electrical at Dairy (R24) — Walmart Store #131 — Inspection No. 1845692.015
Date: October 15, 2025 at 1:55 PM
To: Sheppard.Ulysses.A@dol.gov, oshadallas@dol.gov
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KM

Good afternoon,

Please add the materials and observations below to Enforcement Inspection No. 1845692.015 for Walmart Store #131 (Mount Pleasant, TX) and treat this as an imminent danger/non-abatement referral. I continue to serve as the designated representative of current Store #131 employees and respectfully request recognition of that status for this and all related correspondence.

Why this requires immediate field verification

Today, October 15, 2025, I documented three conditions that, in combination, present serious hazards and, in my view, potential imminent danger to employees and customers:

I. Dairy — Case R24: active leak + saturated absorbent next to energized receptacle (damp electrical + slip)

- The R24 dairy case is actively leaking. A gray absorbent sock is saturated and wicking water beneath the case, while a duplex electrical receptacle with a red indicator light is present immediately adjacent to the wet under-case cavity. Fresh water was visible in the customer travel path while employees were stocking nearby.
- **Risk:** Combined slip exposure and shock risk from moisture intrusion into energized equipment/cordsets/receptacles in a damp location.
- **Relevant standards to verify:** 29 CFR **1910.22** (walking-working surfaces kept clean/dry), **1910.303/.305** (electrical installations; protection from damage/damp locations), **1910.334** (use of cord-and-plug equipment), and **General Duty Clause** where conditions present a recognized serious hazard.
- **Note on recurrence/knowledge:** I observed Store Manager Carrie Mahon on the grocery sales floor this morning with Coaches Aaron Sessums and Pake Montgomery; Ms. Mahon was bending down and looking under the same cooler run where absorbents have been repeatedly photographed. Despite management's presence, the leak and saturated absorbent remained during business hours.

Attachment: *2025-10-15 – Refrigeration Concerns (Grocery).pdf* (today's photos of R24 with active leak, saturated absorbent, wet aisle with no safety measures in place).

II. Tire & Lube Express (TLE) — live operations immediately adjacent to active construction (flammables, temporary power, inadequate separation/egress)

From today's images of the TLE remodel area:

- **Flammables next to ignition/occupied work:** Red gasoline cans/flammable containers are stored inside an enclosed trailer while a portable engine-generator is operating immediately outside, with cords routed into/near the trailer. Contractors are working at/next to this setup.
  - Verify **29 CFR 1926.152** (construction)/**1910.106** (general industry) for storage/handling of flammables, container approval/quantity limits, separation from ignition, and ventilation.
  - Confirm **1910.157/1926.150** (fire protection, accessible extinguishers).
  - Consider CO exposure under **1910.1000** and **5(a)(1)** if engines are used near workers without adequate controls.
- **Temporary "wall" and barricading:** The work zone is separated from live bays by plastic sheeting on light wood framing with a propped plywood door; chains are used across openings.
  - These barriers are not fire-resistive and do not assure smoke/dust control or maintained egress.
  - Verify **1910.36/.37** (exit routes free and unobstructed), **1926.25/1926.21(b)(2)** (housekeeping/instruction), and accepted safeguards (e.g., **NFPA 241/IFC** practices for construction in occupied buildings).
- **Temporary electrical/cord routing:** Cords from the generator and in the bays lie across drive/working paths, including at bay openings.
  - Verify **1926.404(b)(1)** (GFCI on 120-V circuits at construction sites) or an Assured Equipment Grounding program; **1910.305/1910.334** (protection from damage; cords not used in lieu of fixed wiring).
- **Inadequate exterior traffic control:** The construction area in active drive lanes is delineated by lightweight orange snow fence, cones, and plastic chain. Customers and vehicles move nearby.
  - Verify **1926.200/.201** (signs/barricades) and alignment with MUTCD-equivalent work-zone controls for private lots; consider **1910.176(a)** (aisles/clearances).
- **Housekeeping/slips and egress:** Oily/wet floors, absorbents, carts/boxes crowding the bays, and chains narrowing openings.
  - Verify **1910.22** (clean, dry floors; clear aisles), **1910.36/.37** (means of egress).
- **CO/airborne contaminants:** Engines and a generator operating next to a plastic sheet barrier can cause CO accumulation and migration of dust/fumes into occupied areas.
  - Verify **1910.1000** (CO PEL) and **1926.55**; ensure effective exhaust capture/ventilation and monitoring.
- **Oily waste safety cans and used oil buckets near combustible barrier**: A red oily waste safety can labeled "Excluded Solvent Contaminated Wipes" and "USED OIL" buckets adjacent to the plastic-sheet wall and wood studs; the floor shows oil marks in the area.
  - **Why it matters:** Oily rags can self-heat; cans must be approved, self-closing, and kept closed, located away from ignition sources/egress, and protected from vehicle impact. Plastic sheeting/wood framing are combustible.
  - Verify **1910.106(e)(9)(iii)** (waste/residue containers), **1926.252(e)** (waste disposal), **1910.106(e)(2)(ii)** (no storage in egress), and ensure extinguisher access (**1910.157**).
- **Multi-employer control:** Walmart appears to be the controlling/host employer while construction occurs in a public-facing service area.
  - Apply OSHA's multi-employer policy (**1910.12, 1926.16; CPL guidance**).

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IV. **Requested OSHA actions (priority)**

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