

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
701 Lee Street  
Suite 950  
Des Plaines, IL 60016



## Citation and Notification of Penalty

**To:**  
Ferrara Candy Company  
and its successors  
3000 Washington Blvd  
Bellwood, IL 60104

**Inspection Number:** 1456731  
**Inspection Date(s):** 01/21/2020 - 07/06/2020  
**Issuance Date:** 07/06/2020

**Inspection Site:**  
3000 Washington Blvd  
Bellwood, IL 60104

*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 either call to schedule an informal conference (see paragraph below) or** 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.

**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 by calling 847-227-1700. 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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**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. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/06/2020. The conference will be held by telephone or at the OSHA office located at 701 Lee Street, Suite 950, Des Plaines, IL 60016 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1456731**

Company Name: Ferrara Candy Company  
Inspection Site: 3000 Washington Blvd, Bellwood, IL 60104  
Issuance Date: 07/06/2020

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, 701 Lee Street, Suite 950, Des Plaines, IL 60016**

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:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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

29 CFR 1910.145(c)(3): Safety instruction sign(s) were not used where there was a need for general instructions and suggestions relative to safety measure(s):

a) Kitchen 5 - On or about January 10, 2020, the employer failed to ensure that hazards created by the rotating blades within the Westinghouse Rotary Valve, Model AL-150-2, on the Sugar Silo, were marked on the exterior housing of the unit or adjacent structures, so to be seen by persons working in the area and notify them with a safety instructional sign of the hazard.

**No abatement certification or documentation is required for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$13494.00



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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

The employer does not ensure that employees are protected from machine related hazards through methods of machine guarding. This violation was most recently documented at the address located above, as follows:

a) Kitchen 5 - On or about January 10, 2020, the employer failed to ensure that hazards created by the pinch points and shear action created by the rotating blades of the Westinghouse Rotary Valve, Model AL-150-2, on the Sugar Silo, were guarded to prevent injury to employees while adjusting the flexible sock and checking for sugar flow.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

Date By Which Violation Must be Abated: 07/30/2020  
Proposed Penalty: \$10603.00



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
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The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

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

29 CFR 1910.332(b)(1): Employees were not trained in and familiar with the safety-related work practices required by 1910.331 through 1910.335 that pertained to their respective job assignments:

- a) Production Area - On or about January 28, 2020, the employer failed to train the employees working on energized electrical equipment on the safe work practices involved with protecting them from injury during tasks involving live electrical work within equipment, such as the MCC Panels in Kitchen 5 and on Mogul 7.
- b) Production Area - On or about January 9, 2020, employees performing work on energized circuits were not trained in a language they understood, on the safe work practices involved with protecting them from injury during tasks involving live electrical work within equipment, such as the MCC Panels in Kitchen 5 and on Mogul 7.

**No abatement certification or documentation is required for this item.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$13494.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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

29 CFR 1910.333(c)(2): The employer did not ensure that qualified persons were capable of working safely on energized circuits and were familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

- a) Kitchen 5 - On or about January 9, 2020, the employer failed to ensure the employees working on energized electrical equipment were familiar with the proper use of precautionary techniques, personal protective equipment, and insulated tools when accessing energized circuits within the MCC Panels.
- b) Production Area - On or about January 28, 2020, the employer failed to ensure the employees working on energized electrical equipment were familiar with the proper use of precautionary techniques, personal protective equipment, and insulated tools when accessing energized circuits within the MCC Panels on Mogul 7.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

Date By Which Violation Must be Abated:

07/30/2020



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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

29 CFR 1910.335(a)(1)(ii): Protective equipment was not maintained in a safe and reliable condition:

a) Production Area - On or about January 10, 2020, the employer failed to ensure that employees performing live electrical work donned gloves that were maintained in a safe and reliable condition.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/30/2020  
\$13494.00



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.335(a)(2)(i)(A): Fuse handling equipment, insulated for the circuit voltage, was not used to remove or install fuses when fuse terminals were energized:

- a) Kitchen 5 - On or about January 9, 2020, the employer failed to ensure that employees working in areas where there was the potential for electrical hazards inside the 480 Volt MCC Panels in Kitchen 5 were using only fuse handling equipment that was insulated for the circuit voltage when removing and installing fuses.
- b) Production Area - On or about January 21, 2020, the employer failed to ensure that employees working in areas where there was the potential for electrical hazards inside the 480 Volt MCC Panels in Mogul 7 were using only fuse handling equipment that was insulated for the circuit voltage when removing and installing fuses.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

Date By Which Violation Must be Abated: 07/30/2020  
Proposed Penalty: \$13494.00



## **Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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### **Citation 2 Item 1** Type of Violation: **Repeat**

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:

The employer does not provide devices and hardware necessary for isolating, securing, or blocking of machines or equipment from hazardous sources of energy. This violation was most recently documented at the address located above, as follows:

- a) Production Area - On or about January 22, 2020, January 23, 2020, and January 29, 2020, the employer failed to ensure that an adequate number of locks were provided to employees for use during lockout tagout while performing work on equipment such as the Mogul 5 Stacker, Mogul 5 Feeder, Mogul 5, Mogul 7 Starchbuck and Mogul 7 Depositor.
- b) Production Area - On or about January 22, 2020, and January 23, 2020, the employer failed to ensure that protective hardware, such as blocks, were provided to employees for use during lockout tagout to isolate the potential movement hazards on the Mogul 5 Tanis Robot when performing work within the Mogul 5 Feeder and Stacker.
- c) Production Area - On or about January 29, 2020, the employer failed to ensure that protective hardware, such as ball valve covers, were provided to employees for use during lockout tagout to isolate the steam, hot water and pneumatic energy on the Mogul 5 and Mogul 7.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

**Ferrara Candy Company was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1910.147(c)(5)(i), which was contained in OSHA inspection number**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

**Inspection Number:** 1456731  
**Inspection Date(s):** 01/21/2020 - 07/06/2020  
**Issuance Date:** 07/06/2020



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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**1318823, citation number 2, item number 2, and was affirmed as a final order on December 14, 2018, with respect to a workplace located at 7301 Harrison St., in Forest Park, Illinois.**

Date By Which Violation Must be Abated: 07/30/2020  
Proposed Penalty: \$74217.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## **Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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### **Citation 2 Item 2 Type of Violation: Repeat**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

The employer does not conduct periodic inspections of energy control procedures at least annually to ensure that the procedures and requirements of 29 CFR 1910.147 are being followed. This violation was most recently documented at the address located above, as follows:

- a) Production Area - On or about January 22, 2020, and subsequent dates the employer failed to conduct periodic inspections of each energy control procedure at least annually to verify that the specific procedures for equipment, such as the Mogul 5 Feeder, were adequate and were being applied correctly.
- b) Production Area - On or about January 23, 2020, and subsequent dates the employer failed to conduct periodic inspections of each energy control procedure at least annually to verify that the specific procedures for equipment, such as the Mogul 5 Stacker, were adequate and were being applied correctly.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

**Ferrara Candy Company was previously cited for a violation of this Occupational Safety and Health Standard, 29 CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 1318823, citation number 1, item number 1, and was affirmed as a final order on December 14, 2018, with respect to a workplace located at 7301 Harrison St., in Forest Park, Illinois.**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

**Inspection Number:** 1456731  
**Inspection Date(s):** 01/21/2020 - 07/06/2020  
**Issuance Date:** 07/06/2020



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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Date By Which Violation Must be Abated: 07/30/2020  
Proposed Penalty: \$134937.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### **Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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#### **Citation 2 Item 3** Type of Violation: **Repeat**

29 CFR 1910.147(c)(7)(i)(A): Authorized employee(s) did not receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control:

The employer does not ensure that authorized employees receive the necessary training in the control of hazardous energy. This violation was most recently documented at the address located above, as follows:

- a) Kitchen 5 - On or about January 9, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed repairs and replacement of parts where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Feeder Pump for Coil 1.
- b) Production Area - On or about January 23, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed unjamming of equipment where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Mogul 5 Feeder.
- c) Production Area - On or about January 23, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed unjamming of equipment where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Mogul 5 Stacker.
- d) Production Area - On or about January 27, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed unjamming of equipment where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Mogul 5 Starchbuck.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.





**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
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e) Production Area - On or about April 16, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed unjamming of equipment where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Mogul 7 Starchbuck.

f) Production Area - On or about April 14, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed unjamming of equipment where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Mogul 7 Stacker.

g) Production Area - On or about April 22, 2020, and subsequent dates the employer did not ensure that all employees that performed maintenance and production tasks were trained as Authorized employees. These employees performed unjamming of equipment where guards were removed without the knowledge and skills needed for the safe application, usage, and removal of energy control on equipment with more than one energy source, such as on the Mogul 7 Feeder.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

**Ferrara Candy Company was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1910.147(c)(7)(i)(A), which was contained in OSHA inspection number 1273209, citation number 1, item number 1 and was affirmed as a final order on January 12, 2018, with respect to a workplace located at 910 Dalton Lane in Bolingbrook, Illinois.**

Date By Which Violation Must be Abated: 07/30/2020  
Proposed Penalty: \$74217.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## **Citation and Notification of Penalty**

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

### **Citation 2 Item 4 a Type of Violation: **Repeat****

29 CFR 1910.147(d): The established procedure for the application of energy control (the lockout or tagout procedure) was not done in sequence as required by 29 CFR 1910.147(d)(1) through (d)(6):

The employer does not ensure that the application of energy control is performed in sequence to include elements and actions such as preparation for shutdown, machine or equipment shutdown, machine or equipment isolation, device application, release of any stored energies, and verification of isolation. This violation was most recently documented at the address located above, as follows:

The employer failed to implement energy control application steps as the machines were not isolated from all energy sources [per the 1910.147(d)(3) requirements]. As a result, the remaining applicable energy control elements, involving LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine hazards.

- a) Kitchen 5 - On or about January 9, 2020, through January 13, 2020, and January 21, 2020, employees were exposed to hazards associated with rotating and moving parts from the unexpected start-up and energization of the Feeder Pump for Coil 1.
- b) Production Area - On or about January 22, 2020, and January 27, 2020, employees were exposed to machine hazards associated with moving parts and pinch points from the unexpected start-up and energization of the Mogul 5 Feeder and Mogul 7 Feeder when performing unjamming operations.
- c) Production Area - On or about January 29, 2020, employees were exposed to machine hazards associated with the release of steam, pneumatics and hot water from the unexpected start-up and energization of Mogul 5 when performing maintenance tasks on the Main Drive, Starchbuck and Depositor.
- d) Production Area - On or about April 21, 2020, employees were exposed to machine hazards

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



### **Citation and Notification of Penalty**

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associated with pinch points from the release of stored energy on the Starchbuck printing areas of Mogul 5 and Mogul 7 when performing unjamming operations.

The employer failed to implement energy control application steps as the machines were not shut down or turned off to perform setup operations [per the 1910.147(d)(2) requirements]. As a result, the remaining applicable energy control elements, involving machine isolation [(d)(3)], LOTO device application [(d)(4)], dissipation of residual energy [(d)(5)(i)], and verification of isolation [(d)(6)], were not implemented to protect employees from machine hazards.

e) Kitchen 5 - On or about January 14, 2020, and January 22, 2020, employees were exposed to hazards associated with rotating and moving parts while performing sanitation of equipment, such as the Sugar Auger and Cross Screw Auger, without stopping and isolating the equipment from the energy source. Custom made devices and zip ties were used to keep equipment running during sanitizing while guards were removed.

f) Production Area - On or about January 28, 2020, an employee was exposed to machine hazards associated with crushing hazards from the unexpected movement of the energized equipment when performing cleaning of the line during changeovers and before shut downs on equipment such as Mogul 5 and Mogul 7. The equipment was not stopped and locked out before work was performed.

g) Packaging Department - On or about March 11, 2020, and March 19, 2020, employees were exposed to machine hazards associated with in-running nip points from the movement of CasePacker #4 Conveyor when performing cleaning and adjustments of the line. The equipment was not stopped and locked out before work was performed.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

**Ferrara Candy Company was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1910.147(d), which was contained in OSHA inspection number 1318823, citation number 2, item number 3, and was affirmed as a final order on December 14, 2018, with**

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

**Inspection Number:** 1456731  
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**Citation and Notification of Penalty**

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**respect to a workplace located at 7301 Harrison Street in Forest Park, Illinois.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/30/2020  
\$134937.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



## **Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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### **Citation 2 Item 4 b Type of Violation: **Repeat****

29 CFR 1910.147(f)(3)(ii)(D): Each authorized employee did not affix a personal lockout or tagout device to the group lockout device before working on the machine or equipment:

The employer does not ensure that each authorized employee affixes a personal device to the group device before working on the machine or equipment in group work settings. This violation was most recently documented at the address located above, as follows:

- a) Kitchen 5 - On or about January 9, 2020, the employer failed to ensure that when maintenance tasks were performed by a crew of more than one employee group lockout procedures were utilized. This included, but was not limited to the application of personal lockout and tagout devices and coordination of the workforce when performing tasks on the Feeder Pump for Coil 1.
- b) Production Area - On or about January 22, 2020, the employer failed to ensure that when maintenance tasks were performed by a crew of more than one employee group lockout procedures were utilized. This included, but was not limited to the application of personal lockout and tagout devices and coordination of the workforce when performing tasks on the Mogul 5 Feeder.
- c) Production Area - On or about January 29, 2020, the employer failed to ensure that when maintenance tasks were performed by a crew of more than one employee group lockout procedures were utilized. This included, but was not limited to the application of personal lockout and tagout devices and coordination of the workforce when performing tasks on the Mogul 5 Starchbuck, Depositor and Main Drive.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

**Ferrara Candy Company was previously cited for a violation of an equivalent Occupational Safety and Health Standard 29 CFR 1910.147(f)(3)(ii), which was contained in OSHA inspection**

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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

**Inspection Number:** 1456731  
**Inspection Date(s):** 01/21/2020 - 07/06/2020  
**Issuance Date:** 07/06/2020



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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**number 1318823, citation number 1, item number 2, and was affirmed as a final order on December 14, 2018, with respect to a workplace located at 7301 Harrison St., in Forest Park, Illinois.**

Date By Which Violation Must be Abated:

07/30/2020

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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**Citation 3 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1904.4(a): The employer did not record each work-related fatality, injury or illness case that resulted in the general recording criteria on the OSHA Form 300 or equivalent.

On or about January 21, 2020, the employer had not entered the following workplace injury and illness on the OSHA 300 Log for the calendar year 2020:

a) On or about January 10, 2020, an employee suffered an amputation of the tip of the left middle finger while performing job duties in Kitchen #5. The injury resulted in medical treatment beyond first aid and days away from work.

**No abatement certification or documentation is required for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2121.00



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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**Citation 3 Item 2** Type of Violation: **Other-than-Serious**

29 CFR 1910.147(c)(4)(ii): Procedures did not clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including, but not limited to, 29 CFR 1910.147(c)(4)(ii)(A), (c)(4)(ii)(B), (c)(4)(ii)(C) and (c)(4)(ii)(D):

- a) Production Area - On or about January 21, 2020, energy control procedures for equipment such as but not limited to the Mogul 5 entire system, Mogul 5 Starchbuck, Mogul 5 Depositor, Mogul 5 Feeder, Mogul 7 Feeder, Mogul 5 Stacker, Mogul 7 Stacker did not include all of the specific procedural steps for shutting down equipment to control hazardous energy as required by 1910.147(c)(4)(ii)(B). The shutdown steps in each procedure were limited to pushing a single E-stop.
- b) Production Area - On or about January 21, 2020, energy control procedures for equipment such as but not limited to the Mogul 5 entire system, Mogul 5 Starchbuck, Mogul 5 Depositor, Mogul 5 Feeder, Mogul 7 Feeder, Mogul 5 Stacker, Mogul 7 Stacker did not include all of the specific procedural steps for testing to determine and verify the effectiveness of lock out as required by 1910.147(c)(4)(ii)(C). The testing and verification requirements section contained generic language which was not specific to the covered equipment.

**In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but is not limited to, evidence of the purchase or repair of the equipment, photographic or video evidence of abatement, or other written records.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

07/30/2020  
\$0.00



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

**Inspection Number:** 1456731  
**Inspection Date(s):** 01/21/2020 - 07/06/2020  
**Issuance Date:** 07/06/2020



**Citation and Notification of Penalty**

**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104

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**Citation 3 Item 3** Type of Violation: **Other-than-Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

a) Kitchen 5 - On or about January 21, 2020, the employer failed to provide permanent wiring to supply power to the Defender Scale. The scale was being supplied power by an extension cord that had been affixed to structures of the building using plastic zip ties.

**No abatement certification or documentation is required for this item.**

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

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**Angeline Loftus**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
701 Lee Street  
Suite 950  
Des Plaines, IL 60016



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Ferrara Candy Company  
**Inspection Site:** 3000 Washington Blvd, Bellwood, IL 60104  
**Issuance Date:** 07/06/2020

<b>Summary of Penalties for Inspection Number</b>	<b>1456731</b>
<b>Citation 1, Serious</b>	<b>\$64579.00</b>
<b>Citation 2, Repeat</b>	<b>\$418308.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$2121.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$485008.00</b>

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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. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment 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 two percent (2%). 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.

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**Angeline Loftus**

Area Director

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Date