

**U.S. Department of Labor** Occupational Safety and Health Administration  
2020 S. Arlington Heights Road  
Suite 102  
Arlington Heights, IL 60005



06/09/2023

Hostess Brands, LLC  
and its successors  
2035 N. Narragansett Ave.  
Chicago, IL 60639

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (847) 227-1700.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

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 the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of 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.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of 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.

Sincerely,



**Sukhvir Kaur**  
Area Director

Enclosures

## U.S. Department of Labor

Occupational Safety and Health Administration  
2020 S. Arlington Heights Road  
Suite 102  
Arlington Heights, IL 60005



# Citation and Notification of Penalty

**To:**  
Hostess Brands, LLC  
and its successors  
2035 N. Narragansett Ave.  
Chicago, IL 60639

**Inspection Number:** 1640129  
**Inspection Date(s):** 12/20/2022 - 06/08/2023  
**Issuance Date:** 06/09/2023

**Inspection Site:**  
2035 N. Narragansett Ave.  
Chicago, IL 60639

*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 at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. 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 06/09/2023. The conference will be held by telephone or at the OSHA office located at 2020 S. Arlington Heights Road, Suite 102, Arlington Heights, IL 60005 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1640129**

Company Name: Hostess Brands, LLC  
Inspection Site: 2035 N. Narragansett Ave., Chicago, IL 60639  
Issuance Date: 06/09/2023

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, 2020 S. Arlington Heights Road, Suite 102, Arlington Heights, IL 60005.**

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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 1 a** Type of Violation: **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, the following:

- (A) A specific statement of the intended use of the procedure;
- (B) Specific procedural steps for shutting down, isolating, blocking and securing machines or equipment to control hazardous energy;
- (C) Specific procedural steps for the placement, removal and transfer of lockout devices or tagout devices and the responsibility for them; and,
- (D) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

The employer did not ensure that its machine-specific lockout/tagout procedures clearly and specifically addressed the proper shut down, isolation, blocking and securing of the production equipment, including those listed below. Employees were exposed to caught-in and struck-by hazards associated with the energized equipment, unexpected machine start-up or release of energy sources, such as, but not limited to, electrical, pneumatic, gravitational, and hydraulic, when energy control procedures did not clearly and specifically address the requirements of (A) through (D) prior to setup, unjamming, cleaning, and sanitation.

a) DL-1 and DL-2 Production- On or about December 20, 2022, and subsequent dates, the employer did not outline the techniques to be utilized for the control of potential hazardous energy on equipment such as the DL1 Advance Ingredient Lift 110520, DL1 Electric Guillotine 110920, DL1 Pneumatic Guillotine 110930, and the DL2 Advance Air Ingredient Lift 120560. The written procedure failed to identify all forms of hazardous energy and the means and methods to secure the equipment. This included the pneumatic, hydraulic, and potential gravitation hazardous energy and the procedure did not include the correct location to apply lockout to render the equipment in a safe state.

b) DL-1 and DL-2 Packaging- On or about December 20, 2022, and subsequent dates, the employer did not outline the techniques to be utilized for the control of potential hazardous energy on equipment such as the DL1 Pearson Case Erector 112390, DL1 Delta Wrapper 1 111690, DL1 Delta Wrapper 2 111730, DL1 Delta Wrapper 3 111770, DL1 Delta Wrapper 4 111820, DL1 Delta Wrapper 5 111860, DL1 Delta Wrapper 6 111900, DL2 Pearson Case Erector 122480, DL2 Smurfit Tray Former 122230, DL2 Delta Wrapper 7 121950, DL2 Delta Wrapper 8 121990, DL2 Delta Wrapper 9 122030, and the DL2 Delta Wrapper 10 122070. All established procedures failed to identify

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

the means, methods and location for the dissipation of pneumatic energy when securing equipment. The established procedures provided inaccessible gate valve locations as well as a generic statement and did not give instruction on how to bleed off stored pressure and the location of a gauge or other means to verify all residual air has been dissipated.

c) FL-3 Packaging- On or about December 20, 2022, the employer did not outline the techniques to be utilized for the control of potential hazardous energy on equipment such as the FL3 Benda Cadie Conveyor 231430. This failure prevented employees from knowing the proper information on how to secure all sources of energy, including the electrical and pneumatic power.

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:

June 29, 2023  
\$15,625.00



**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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

29 CFR 1910.147(f)(3)(i): A procedure was not utilized to afford the employees a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device when servicing and/or maintenance was performed by a crew, craft, department or other group:

a) DL-2 Production- On or about December 13, 2022, the employer did not ensure a group lockout procedure was utilized that afforded groups of employees a level of protection equivalent to that provided by the implementation of a personal lockout device for the control of hazardous energy when they were engaged in the setup of DL2 Lo-Boy Icing Station 111450, exposing them to the hazards of moving parts and pinch points.

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:

June 29, 2023  
\$0.00



**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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

29 CFR 1910.147(c)(7)(i)(A): Each authorized employee did not receive training in the recognition or 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:

a) DL-1 and DL-2 Production- On or about December 13, 2022, the employer did not train production employees as authorized to lockout/tagout their assigned DL1 and DL2 equipment for setup. Production employees were exposed to caught-in and struck-by hazards associated with energized equipment, unexpected machine start-up, or release of hazardous energy sources such as, but not limited to, electrical, pneumatic, gravitational, and hydraulic. Production employees were not trained to understand how to control energy sources prior to re-assembly.

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:

June 29, 2023  
\$15,625.00



**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

**Citation 1 Item 3** 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:

- a) DL-1 Production- On or about January 19, 2023, the employer did not ensure that hazards created by in-going nip points of upper and lower conveyors and their rotating rollers on equipment, such as DL1 Rheon Parallel Piler 110750, were adequately guarded to prevent injury to employees while they accessed the area to tend to dusting flour.
- b) DL-2 Production- On or about February 2, 2023, the employer did not ensure that hazards created by pinch points on equipment, such as the DL2 Rheon Butter Pump 1 120650 and DL2 Rheon Butter Pump 2 120740, were adequately guarded to prevent injury to employees while employees accessed the area to push butter by hand into the pump when conveyor was not running.
- c) Danish Icing Room- On or about January 19, 2023, the employer did not ensure that nip point hazards created by rotating parts, such as the paddles on the Likwifier 2 Icing Kettle 111470, were adequately guarded to prevent injury to employees while adding ingredients on top of a grate.
- d) DL-1 Packaging- On or about February 2, 2023, the employer did not ensure that hazards created by in-running nip points on the DL1 Spreading Conveyors IPB-14760, IPB-15280, IPB-15300, IPB-14850, and C21, were adequately guarded to prevent injury to employees while they accessed the conveyor lines.

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:** June 29, 2023  
**Proposed Penalty:** \$12,278.00

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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 4 a** Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): All exposed part(s) of horizontal shafting seven (7) feet or less from floor or working platform were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

- a) DL-1 Production- On or about December 13, 2022, the employer did not to ensure that horizontal rotating shafts, such as the shaft on the end of the DL1 Lo-Boy Icing Station 111450, were adequately protected from contact with employees by stationary casing which enclosed the shafting.
- b) DL-1 Production- On January 19, 2022, the employer did not to ensure that horizontal rotating shafts, such as the shafts on the DL1 Chunker Conveyor 110540 above the passageway, were not protected from contact with employees by stationary casing which enclosed the shafting.

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: **June 29, 2023**  
Proposed Penalty: **\$12,278.00**

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:** 1640129  
**Inspection Date(s):** 12/20/2022 - 06/08/2023  
**Issuance Date:** 06/09/2023



**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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

29 CFR 1910.219(c)(3): Vertical or inclined shafting seven (7) feet or less from floor or working platform was not enclosed with stationary casing(s):

a) Danish Icing Room- On or about January 19, 2023, the employer did not ensure that all areas where rotating shafts were exposed at seven feet or less from the working level, such as the unguarded rotating shafts on the bottom of Likwifier 1 111460 and Likwifier 2 111470, that they were provided with guarding and encased to protect the employees.

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:

June 29, 2023  
\$0.00

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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 5 a Type of Violation: **Serious**

29 CFR 1910.219(c)(4)(i): Unguarded projecting shaft end(s) did not present a smooth edge and end and projected more than one half the diameter of the shaft:

a) DL-1 Production- On or about February 2, 2023, the employer did not ensure that all ends of rotating shafts that were not smooth were provided with guarding or encasement to protect the employees while accessing areas under and around equipment, such as the bottom of the motor shaft end for the DL1 I.J. White Spiral Cooler B 111570

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:

June 29, 2023  
\$12,278.00



**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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

29 CFR 1910.219(f)(3): Sprocket wheels and chains which were seven (7) feet or less above floors or platforms were not enclosed:

a) Production Areas- On or about January 19, 2023, and subsequent dates, the employer did not ensure that the chains and sprockets at the bottom of the motors and conveyors that were within seven feet or less from the ground, such as on the DL1 I.J. White Spiral Cooler B 111570, DL2 I.J. White Spiral Cooler A 121790, FL3 I.J. White Spiral Cooler A 230960, and the FL3 I.J. White Spiral Cooler B 231100, were provided with guards on all exposed sides to enclose the hazard posed by the moving 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:

June 29, 2023  
\$0.00





**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

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 1 a** Type of Violation: **Willful - 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) DL1 and DL2 Production- On or about December 13, 2022, the employer did not ensure that adequate control measures in lockout/tagout procedures were utilized by employees to control energy sources on the DL1 and DL2 production equipment including those listed below:
- DL1 Lo-Boy Icing Station 111450,
  - DL1 Dough Chunker 110530,
  - DL2 Dough Chunker 120530.

Production and sanitation employees were exposed to caught-in and struck-by hazards associated with energized equipment, unexpected machine start-up, or release of energy sources such as, but not limited to, electrical, pneumatic, gravitational, and hydraulic, when energy control procedures were not utilized prior to setup, unjamming, and cleaning.

Hostess Brands, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29 CFR 1910.147(c)(4)(i), which was contained in OSHA inspection number 1479852, citation number 02, item number 001a, and was affirmed as a final order on November 19, 2020, with respect to a workplace located at 1969 Victory Drive in Columbus, Georgia.

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:** June 29, 2023  
**Proposed Penalty:** \$156,259.00

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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

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):

- (1) prepare for shut down by recognizing energy hazards and its controls;
- (2) turn off and shut down the machines;
- (3) physically locate and operate energy isolating devices in such a manner as to isolate the machine or equipment from the energy source;
- (4) affix lockout or tagout devices to each energy isolating device;
- (5) render safe all potentially hazardous stored or residual energy; and,
- (6) verify that isolation and de-energization of the machine or equipment have been accomplished.

The employer did not ensure that (d)(1) through (d)(6) sequence was followed by production and sanitation employees performing setup, unjamming, and cleaning on their assigned DL-1, DL-2, and FL-3 equipment. Personal protection of each employee prior to starting work was not ensured by properly secured energy sources. Employees were exposed to struck-by and caught-in hazards associated with energized equipment, unexpected machine start-up, or release of energy:

- a) DL-1 Production- On or about December 13, 2022, Production employees were exposed to machine hazards associated with pinch points and moving parts from the DL1 Lo-Boy Icing Station 111450 when performing setup of the equipment.
- b) DL-1 Production- On or about January 7, 2023, Sanitation employees were exposed to machine hazards associated with pinch points and moving parts from the DL1 Shaffer Dough Mixer 110500 when performing sanitation of the equipment.
- c) DL-2 Production- On or about January 14, 2023, Sanitation employees were exposed to machine hazards associated with pinch points and moving parts from the DL2 Shaffer Dough Mixer 120500 when performing sanitation of the equipment.
- d) FL-3 Mezzanine- On or about January 14, 2023, Sanitation employees were exposed to machine hazards associated with pinch points and moving parts from the FL3 I.J White Spiral Cooler A 230960 when performing sanitation of the equipment.

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

e) FL-3 Mezzanine- On or about January 14, 2023, Sanitation employees were exposed to machine hazards associated with pinch points and moving parts from the FL3 I.J White Spiral Cooler B 231100 when performing sanitation of the equipment.

f) FL-3 Packaging - On or about December 20, 2022, Production employees were exposed to machine hazards associated with pinch points and moving parts from the Line FL3 Benda Cadie Conveyor 231430 Packaging Box Stopper when performing unjamming of the equipment.

The employer did not implement energy control application steps as the machines were not shut down or turned off for setup, cleaning, and unjamming of equipment [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.

Hostess Brands, LLC 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 1351119, citation number 01, item number 001a, and was affirmed as a final order on April 8, 2019, with respect to a workplace located at 2035 North Narragansett Avenue in Chicago, Illinois.

Hostess Brands, LLC 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 1452488, citation number 01, item number 001a, and was affirmed as a final order on April 11, 2020, with respect to a workplace located at 2035 North Narragansett Avenue in Chicago, Illinois.

Hostess Brands, LLC was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.147(d)(2), which was contained in OSHA inspection number 1479852, citation number 02, item number 001a, and was affirmed as a final order on November 19, 2020, with respect to a workplace located at 1969 Victory Drive in Columbus, Georgia.

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.

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:** 1640129  
**Inspection Date(s):** 12/20/2022 - 06/08/2023  
**Issuance Date:** 06/09/2023



**Citation and Notification of Penalty**

**Company Name:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 29, 2023  
\$0.00

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:** Hostess Brands, LLC  
**Inspection Site:** 2035 N. Narragansett Ave., Chicago, IL 60639

---

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

29 CFR 1910.147(c)(6)(i): The employer did not conduct an annual or more frequent inspection of the energy control procedure to ensure that the procedure and requirements of this standard were followed:

a) The employer did not conduct annual periodic inspections of the energy control procedures and reviews with authorized employees assigned to setup, clean, and sanitize (service/maintain) their DL-1, DL-2, and FL-3 production equipment, including for those listed below:

- DL1 Advance Ingredient Lift 110520,
- DL1 Electric Guillotine 110920,
- DL1 Pneumatic Guillotine 110930,
- DL2 Advance Air Ingredient Lift 120560,
- FL3 Benda Cadie Conveyor 231430.

Employees were exposed to caught-in and struck-by hazards associated with energized equipment, unexpected machine start-up or release of energy sources due to the lack of periodic inspections to identify any deviations or inadequacies for correction. The review of each employee's responsibility under the procedure, with either the individual or groups of employees, was not performed because periodic inspections of the machine-specific lockout procedures were not conducted.

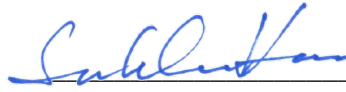
In accordance with 29 CFR 1903.19(d), abatement certification is required for this violation (using the CERTIFICATION OF CORRECTIVE ACTION WORKSHEET), and in addition, documentation demonstrating that abatement is complete must be included with your certification. This documentation may include, but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

Hostess Brands, LLC was previously cited for a violation of this Occupational Safety and Health Standard 29CFR 1910.147(c)(6)(i), which was contained in OSHA inspection number 1479852, citation number 2, item number 1b, and was affirmed as a final order on November 19, 2020, with respect to a workplace located at 1969 Victory Drive in Columbus, Georgia.

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

Date By Which Violation Must be Abated:  
Proposed Penalty:

June 29, 2023  
\$73,667.00



---

**Sukhvir Kaur**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
2020 S. Arlington Heights Road  
Suite 102  
Arlington Heights, IL 60005



---

**INVOICE /  
DEBT COLLECTION NOTICE**

---

**Company Name: Hostess Brands, LLC**  
**Inspection Site: 2035 N. Narragansett Ave., Chicago, IL 60639**  
**Issuance Date: 06/09/2023**

Summary of Penalties for Inspection Number: 1640129

Citation 1 Item 1a, Serious	\$15,625.00
Citation 1 Item 1b, Serious	\$0.00
Citation 1 Item 2, Serious	\$15,625.00
Citation 1 Item 3, Serious	\$12,278.00
Citation 1 Item 4a, Serious	\$12,278.00
Citation 1 Item 4b, Serious	\$0.00
Citation 1 Item 5a, Serious	\$12,278.00
Citation 1 Item 5b, Serious	\$0.00
Citation 2 Item 1a, Willful - Serious	\$156,259.00
Citation 2 Item 1b, Willful - Serious	\$0.00
Citation 3 Item 1, Repeat - Serious	\$73,667.00

**TOTAL PROPOSED PENALTIES: \$298,010.00**

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. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. 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 two 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.



**Sukhvir Kaur**

Area Director

June 9, 2023

Date