

**Este documento es muy importante. Si ud. No habla inglés,  
busque un traductor o llame al (316) 269-6644.**

**U.S. Department of Labor** Occupational Safety and Health Administration  
100 N. Broadway Suite 470  
Wichita, KS 67202  
Phone: (316) 269-6644 Fax: (316) 269-6185



March 30, 2016

Dear Darrell Weick,

On 10/01/2015, an OSHA compliance officer met with you or your representative as part of an inspection at 1995 Marshmallow Lane Iola, KS 66749. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,

  
Judy Freeman, Area Director

**Your Citation Summary**  
Russell Stover Candies, Inc.  
Inspection Number: 1095315

**Total Amount Due: \$193,600.00**  
**Payment Due Date: 15 working days  
after receipt of  
this letter**

*You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.*

**Total Number of Violations : 23**  
**Your First Correction Deadline is: 4/21/16**

**Step 1 – Choose a Response  
Option and  
Act within 15 working days**

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

**Option #1 – Discuss with OSHA**

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

**Option #2 – Correct and Pay**

I agree with the citation, penalties, and correction deadlines, and do not contest.

**Option #3 – Contest the Citation**

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

**Questions or Concerns?**

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (316) 269-6644.

**Step 2 – Complete One Option Checklist**

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

### Option #1 – Discuss with OSHA

I will complete by:



1. Call: Ryan Hodge, Assistant Area Director, at (316) 269-6644 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. **\*\*This meeting does NOT extend your 15 working day deadline to contest the citation.\*\***

 \_\_\_ / \_\_\_

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 \_\_\_ / \_\_\_

### Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 \_\_\_ / \_\_\_

2. Pay the **Total Penalty** by using one of the following methods:  
**\*\*Include your Inspection Number (see first page) on the payment.\*\***

 \_\_\_ / \_\_\_

*Pay Online:* Search "OSHA" on [www.pay.gov](http://www.pay.gov) and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

*Pay by Check:* Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

### Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked **within 15 working days**.

 \_\_\_ / \_\_\_

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
100 N. Broadway  
Suite 470  
Wichita, KS 67202  
Phone: 316-269-6644 Fax: 316-269-6185



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## Citation and Notification of Penalty

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**To:**  
Russell Stover Candies, Inc.  
and its successors  
1995 Marshmallow Lane  
Iola, KS 66749

**Inspection Number:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016

**Inspection Site:**  
1995 Marshmallow Lane  
Iola, KS 66749

*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.*

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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. 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 03/30/2016. The conference will be held by telephone or at the OSHA office located at 100 N. Broadway, Suite 470, Wichita, KS 67202 on \_\_\_\_\_ at \_\_\_\_\_.

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1095315**

Company Name: Russell Stover Candies, Inc.  
Inspection Site: 1995 Marshmallow Lane, Iola, KS 66749  
Issuance Date: 03/30/2016

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, 100 N. Broadway, Suite 470, Wichita, KS 67202**

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

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

**Inspection Number:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(d)(2)(i)(E): The employer failed to perform an evaluation of the consequences of deviations, including those effecting the safety and health of employees:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer fails to perform an evaluation of the consequence of deviations from the operating temperature, pressures, and flows.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(e)(3)(i): The Process Hazard Analysis did not address the hazards of the process:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the Process Hazard Analysis fails to address the quality of incoming Ammonia. The Appendix D - 2014 PHA "What-If" questions under the Charging Ammonia to System PHA Notes section does not address this requirement.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(e)(3)(iii): The process hazard analysis did not address engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors.):

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer fails to verify that the engine room complied with recognized and generally accepted good engineering practices such as IIAR Bulletin #111 06/02; ASHRAE-15 2013; ANSI/IIAR 2-2012; and the Manufacture Manual. The Scott Instruments QuadScan II - Model 7400 Ammonia Sensors in the North and South Ammonia Rooms are mounted at 20 feet from the floor while the Manufacture Manual states that the unit location should have easy visibility and access for the operator.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$3,300.00



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(e)(5): The employer did not establish a system to promptly address the team's findings and recommendations; assure that the recommendations were resolved in a timely manner and that the resolution was documented; document what actions were to be taken; complete actions as soon as possible; develop a written schedule of when these actions were to be completed; communicate the actions to operating, maintenance and other employees whose work assignments were in the process and who may have been affected by the recommendations or actions:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to provide document that it has communicated all the findings and recommendations of the 2000 Process Hazard Analysis (PHA) initial study, the 2004, 2009, and 2014 Process Hazard Analysis (PHA) revalidation studies to the Ammonia Department employees such as, but not limited to the Plant Engineer, Maintenance Supervisors, Skilled Specialists - HVAC, Skilled Specialist - Electrician, and Skilled Specialist - Electronic Technician.

29 CFR 1903.19(c)(1) requires certification that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	04/21/2016
Proposed Penalty:	\$4,400.00



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(f)(1)(i)(D): The employer did not develop and implement written operating procedures that provide clear instructions for emergency shutdown, including the conditions under which emergency shutdown is required, and the assignment of shutdown responsibility to qualified operators to ensure that emergency shutdown is executed in a safe and timely manner:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to develop a written standard operating procedure with clear instructions such as when or what conditions to activate, how to operate, and who is authorized to activate the Refrigeration Equipment Emergency Stop buttons related to the intended use of the emergency stop buttons located outside each exit of the North and South Ammonia rooms.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	04/21/2016
Proposed Penalty:	\$7,000.00



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(f)(1)(ii)(B): The employer's written operating procedures covering operating limits did not address the steps required to correct or avoid deviation:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the operating procedures for Ammonia process equipment does not address the steps required to correct or avoid the listed deviations. Identified operating procedures such as but not limited to the following:

- a) NH3-N004 Ammonia Compressors RC-1 and RC-2 (-10F System) - Revision June 16, 2011
- b) NH3-S003 Ammonia Compressors RC-3 and RC-4 (+20F System) - Revision June 16, 2011
- c) NH3-S004 Ammonia Compressors RC-5 and RC-6 (+38F System) - Revision June 16, 2011.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	04/21/2016
Proposed Penalty:	\$7,000.00



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(f)(1)(iii): The employer failed to ensure that the Process Safety Management Standard Operating Procedures included safety and health considerations:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the operating procedures for Ammonia process equipment does not address safety and health considerations such as but not limited to the following:

- A) Properties of, and hazards presented by, the chemicals used in the process;
- C) Control measures to be taken if physical contact or airborne exposure occurs;
- D) Quality control for raw materials and control of hazardous chemical inventory levels; and,
- E) Any special or unique hazards.

Identified operating procedures such as but not limited to the following:

- a) NH3-N002 North System Start-up and Shutdown - Revision July 12, 2012
- b) NH3-N004 Ammonia Compressors RC-1 and RC-2 (-10F System) - Revision June 16, 2011
- c) NH3-N005 North System Suction Accumulator SA001 and Draining Oil Pot OP3 - Revision July 12, 2012
- d) NH3-N015 North System Ammonia Pumps AP-1 and AP-2 - Revision November 15, 2010
- e) NH3-S003 Ammonia Compressors RC-3 and RC-4 (+20F System) - Revision June 16, 2011
- f) NH3-S004 Ammonia Compressors RC-5 and RC-6 (+38F System) - Revision June 16, 2011.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated: 04/21/2016  
Proposed Penalty: \$7,000.00



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(f)(1)(iv): The employer failed to ensure that the Process Safety Management Standard Operating Procedures included safety systems and their functions:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the operating procedures for Ammonia process equipment does not address safety systems and their functions such as but not limited to the emergency stop buttons, isolation devices (King Valves), interlocks, alarms, level cutouts, water spray systems, and emergency backup power.

Identified operating procedures such as but not limited to the following:

- a) NH3-N004 Ammonia Compressors RC-1 and RC-2 (-10F System) - Revision June 16, 2011
- b) NH3-S003 Ammonia Compressors RC-3 and RC-4 (+20F System) - Revision June 16, 2011
- c) NH3-S004 Ammonia Compressors RC-5 and RC-6 (+38F System) - Revision June 16, 2011.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00



### Citation and Notification of Penalty

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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 9 a Type of Violation: **Serious**

29 CFR 1910.119(g)(1)(i): The employer did not train each employee involved in the operating process, in an overview of the process and in the operating procedures as specified in paragraph (f) of 29 CFR 1910.119:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to provide training as listed below for the Refrigeration Department employees regarding the Iola Russell Stover Candies (RSC) site-specific safety and health hazards, emergency operations to include shut down and safe work practices related to their assigned duties and responsibilities to perform tasks in the Ammonia process.

- a) New Maintenance Supervisor and Skilled Specialists have not received training on the site specific operating procedures for processes and Ammonia refrigeration equipment. The covered subject should include but not limited to the operational phases, operational limits, safety and health considerations.
- b) New Maintenance Supervisor and Skilled Specialists have not received training on the site specific Ammonia Emergency Response Plan and Ammonia Release Response Plan while required to respond to the recent September Ammonia release incident.
- c) The employer does not provide training for all of the Refrigeration Department personnel on the site specific overview of the process.
- d) The employer does not provide training for all of the Refrigeration Process Department personnel on the Unloading Anhydrous Ammonia Tank Wagon System Entire Operating Procedure.
- e) Adequate training is not provided to personnel performing daily rounds, during which observations and readings were taken on various process equipment in the North and South Ammonia systems. The on the job training provided to these new personnel does not cover the consequences of deviation from

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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operational limits for the process equipment.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(g)(3): The employer did not prepare a record which contained the identity of the employee, the date of training, and the means used to verify that the employee understood the training:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where the employer is failing to provide documentation of the means that the employer used to verify through demonstration that the Ammonia Technician employees understood any training they received including but not limited to the training on the Iola RSC Plant site-specific standard operating procedures; startup and shutdown; safe work practice.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:

04/21/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(g)(2): Refresher training was not provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understood and adhered to the current operating procedures of the process. The employer, in consultation with the employees involved in operating the process, shall determine the appropriate frequency of refresher training:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to consult with Ammonia Technician employees concerning the frequency of their need for refresher training.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:

04/21/2016

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

**Inspection Number:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(j)(3): The employer did not train each employee involved in maintaining the on-going integrity of process equipment in the procedures applicable to the employee's job tasks to ensure that the employee can perform the job tasks in a safe manner:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to provide training for refrigeration employees related to the maintenance activities for the process covered-equipment; the inspection, testing and preventive maintenance procedures applicable to the employee's job tasks.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:

04/21/2016

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(h)(2)(i): The employer, when selecting a contractor, did not obtain and evaluate information regarding the contract employer's safety performance and program:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to obtain and evaluate the safety and health performance and written programs of the contractor (Airgas Specialty Products) that delivers Ammonia to the facility.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$4,400.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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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 11 a      Type of Violation: **Serious**

29 CFR 1910.119(j)(4)(i): Inspections and tests were not performed on process equipment to maintain its mechanical integrity:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the following inspections and tests were not adequately performed:

- a) Inspection and testing is not adequately performed for vessels and tanks such as Evaporators, High Pressure Receivers, and Condensers to determine if there were any corrosion damage and to establish a corrosion rate for the vessel.
- b) Inspection and testing is not adequately performed for emergency shutdown systems including but not limited to the Refrigeration Equipment Emergency Stop buttons, Ammonia Alarm buttons, Compressor cutouts including discharge temperature, discharge pressure, oil temperature (upper and lower), oil sump temperature maximum, Accumulator high and low liquid level cutouts, and the King valves.
- c) Inspection and testing is not adequately performed for controls (including monitoring devices and sensors, level cutouts, alarms, and interlocks) such as Compressor liquid level control sensors, Compressor thermostats, Compressor liquid level controls, Pump out system level alarms.
- d) Inspection and testing is not adequately performed for Ammonia compressors and pumps.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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Date By Which Violation Must be Abated: 04/21/2016  
Proposed Penalty: \$7,000.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(j)(4)(iv): The employer did not document the date of inspection, the name of the person performing the inspection, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection, and the results of the inspection for each piece of process equipment:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the following inspections and tests were not documented:

- a) Inspection and testing is not document for vessels and tanks such as Evaporators, High Pressure Receivers, and Condensers to determine if there were any corrosion damage and to establish a corrosion rate for the vessel.
- b) Inspection and testing is not document for emergency shutdown systems including but not limited to the Refrigeration Equipment Emergency Stop buttons, Ammonia Alarm buttons, Compressor cutouts including discharge temperature, discharge pressure, oil temperature (upper and lower), oil sump temperature maximum, Accumulator high and low liquid level cutouts, and the King valves.
- c) Inspection and testing is not document for controls (including monitoring devices and sensors, level cutouts, alarms, and interlocks) such as Compressor liquid level control sensors, Compressor thermostats, Compressor liquid level controls, Pump out system level alarms.
- d) Inspection and testing is not document for Ammonia compressors and pumps.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:

04/21/2016



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

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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#### **Citation 1 Item 12 Type of Violation: **Serious****

29 CFR 1910.119(m)(4): An incident report was not prepared at the conclusion of the investigation that included at a minimum, the date of the incident, date the investigation began, a description of the incident, and any recommendations resulting from the investigation:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the incident investigation reports were not prepared to its completeness.

- a) Incident Investigation Reference No. 2015-September-23, the Close Out Report does not include recommendations regarding the Investigation Review Sessions to address the leaking coil at the AC-4.
- b) Incident Investigation Reference No. 2015-March-29, the Close Out Report does not include recommendations regarding the Investigation Review Sessions to address the leaking coil at the AC-8.
- c) Incident Investigation Reference No. Iola 2015-January-29, the Close Out Report does not include recommendations regarding the Investigation Review Sessions to address the leaking at the economizer valve packing on RC-1 Ammonia compressor. Reference number on the last page has the wrong date.
- d) Incident Investigation Reference No. Iola 2015-January-18, the Close Out Report does not include recommendations regarding the Investigation Review Sessions to address the leaking coil on the gasket in hot gas valve for the evaporators.
- e) Incident Investigation Reference No. Iola 2014-March-12, the Close Out Report does not include recommendations regarding the Investigation Review Sessions to address the Ammonia vapor release on a shaft seal on Ammonia compressor RC-5. Date and time team commenced investigation is not completed to show that the investigation started within 48 hours of the incident. There are no signatures of the submitter or the receiver for approvals, follow-up and reviews. There are no signatures of the team leader and the approver to close-out the incident investigation report.

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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f) Incident Investigation Reference No. Iola 2013-May-16, date and time team commenced investigation is not completed to show that the investigation started within 48 hours of the incident. The form is not signed by the team leader.

g) Incident Investigation Reference No. Iola 2010-August-1, the Close Out Report does not include recommendations regarding the Investigation Review Sessions. Date and time team commenced investigation is not completed to show that the investigation started within 48 hours of the incident. The form is not signed by any of the management team. The form is marked as DRAFT - Document for development and review only.

h) Incident Investigation Reference No. Iola 2010-June 18, the Close Out Report does not include recommendations regarding the Investigation Review Sessions. Date and time team commenced investigation is not completed to show that the investigation started within 48 hours of the incident. The form is not signed by any of the management team. The form is marked as DRAFT - Document for development and review only.

i) Incident Investigation Reference No. Iola 2010-January 14, the Close Out Report does not include recommendations regarding the Investigation Review Sessions. Date and time team commenced investigation is not completed to show that the investigation started within 48 hours of the incident. The form is not signed by any of the management team. The form is marked as DRAFT - Document for development and review only.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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**Citation 1 Item 13** Type of Violation: **Serious**

29 CFR 1910.119(m)(6): The report were not reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the incident investigation reports were not reviewed with all the Ammonia personnel who can benefit from the information in their daily tasks.

- a) Incident Investigation Reference No. 2015-September-23, review process resulting from the investigation is not implemented when Approvals, Follow-up and Reviews or Close-Out the report; the Recommended Employee Reviews of Report section and the Investigation Review Sessions are marked N/A.
- b) Incident Investigation Reference No. 2015-March-29, review process resulting from the investigation is not implemented when Approvals, Follow-up and Reviews or Close-Out the report; the Recommended Employee Reviews of Report section and the Investigation Review Sessions are marked N/A.
- c) Incident Investigation Reference No. Iola 2015-January-29, review process resulting from the investigation is not implemented when Approvals, Follow-up and Reviews or Close-Out the report; the Recommended Employee Reviews of Report section and the Investigation Review Sessions are marked N/A.
- d) Incident Investigation Reference No. Iola 2015-January-18, review process resulting from the investigation is not implemented when Approvals, Follow-up and Reviews or Close-Out the report; the Recommended Employee Reviews of Report section and the Investigation Review Sessions are marked N/A.

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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e) Incident Investigation Reference No. Iola 2014-March-12, review process resulting from the investigation is not implemented when Approvals, Follow-up and Reviews or Close-Out the report; the Recommended Employee Reviews of Report section and the Investigation Review Sessions are marked N/A and blank without any signatures of the management.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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**Citation 1 Item 14** Type of Violation: **Serious**

29 CFR 1910.120(q)(6)(iii): Employees who participated as hazardous materials technicians, or were expected to participate as hazardous materials technicians, had not received at least 24 hours of training equal to the first responder operations level, and in addition have competency in the areas outlined in 29 CFR 1910.120(q)(6)(iii)(A) through (q)(6)(iii)(I) and/or the employer did not so certify:

On or about September 23rd, 2015 and October 21, 2015, the employer failed to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were responding to two different instances of Ammonia leaks and were exposed to inhalation hazards and skin exposures in that the employees tasked with isolating the leaks/releases were not HAZWOPER trained.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$7,000.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(j)(2): The employer did not establish and implement written procedures to maintain the on-going integrity of process equipment:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to develop and implement the detail written mechanical integrity program procedures to ensure the maintaining of the on-going integrity of process equipment such as pressure vessels, storage tanks; piping systems (piping components such as valves); relief and vent systems and devices; emergency shutdown systems; controls (monitoring devices and sensors, alarms, and interlocks); and pumps. The employer does not address specific task procedures for the inspection, testing, preventive maintenance, repairing, rerating, or replacing pressure vessels, receivers, piping, or materials and spare parts control; outlining responsibilities, authorizations, and approval for repairs, steps to accomplish for repairing or replacing equipment, frequency of replacement, employee training and qualifications, welding and heat treating requirements, inspection and testing after repair, and documentation requirements.

- a) The employer is failing to develop and implement a written mechanical integrity procedure that addressed inspecting pressure vessels and piping; corrosion under the insulation inspections; minimum wall thickness inspections for pressure vessels and piping.
- b) The employer is failing to develop and implement a written mechanical integrity procedure for evaluating valves such as the King valve in the Ammonia process.
- c) The employer is failing to develop and implement a written mechanical integrity procedure for evaluating relief and vent systems and devices.
- d) The employer is failing to develop and implement a written mechanical integrity procedure for evaluating emergency shutdown systems.
- e) The employer is failing to develop and implement a written mechanical integrity procedure for evaluating safety critical controls (including monitoring devices, sensors, level cutouts, alarms, and

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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interlocks).

f) The employer is failing to develop and implement a written mechanical integrity procedure for evaluating pumps.

The Russell Stover Candies, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.119(j)(2), which was contained in OSHA inspection number 905429, citation number 1, item number 4, and was affirmed as a final order on 9/12/2013, with respect to a workplace located at 1997 Pecan Delight Ave. Corsicana, TX 75110.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:	04/21/2016
Proposed Penalty:	\$27,500.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(j)(4)(ii): Inspection and testing procedures did not follow recognized and generally accepted good engineering practices:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that the employer is failing to ensure inspections and tests performed on process equipment to maintain its on-going mechanical integrity following recognized and generally accepted good engineering practices (RAGAGEP) such as IIAR Bulletin 110 3/93 as certified in the company Process Safety Information (PSI) binder by the Plant Manager.

Identified critical equipment include but not limited to the vessels and tanks such as Evaporators, High Pressure Receivers, and Condensers; the emergency shutdown systems including but not limited to the Refrigeration Equipment Emergency Stop buttons, Ammonia Alarm buttons, Compressor cutouts including discharge temperature, discharge pressure, oil temperature (upper and lower), high and low pressure cutouts, oil sump temperature maximum, Accumulator high and low liquid level cutouts, and the King valves; the controls (including monitoring devices and sensors, level cutouts, alarms, and interlocks) such as Compressor liquid level control sensors, Compressor thermostats, Compressor liquid level controls, Pump out system level alarms.

The Russell Stover Candies, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.119(j)(4)(ii), which was contained in OSHA inspection number 905429, citation number 1, item number 5a, and was affirmed as a final order on 9/12/2013, with respect to a workplace located at 1997 Pecan Delight Ave. Corsicana, TX 75110.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated: 04/21/2016  
Proposed Penalty: \$38,500.00

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:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(j)(4)(iii): The frequency of inspections and tests of process equipment to maintain its mechanical integrity, was not consistent with applicable manufacturer's recommendations and good engineering practices, or more frequently determined to be necessary by prior operating experience:

The employer is failing to protect employees engaged in production activities throughout the facility. This was most recently documented where employees were exposed to chemical hazards associated with a catastrophic release of Ammonia in that inspections and tests have not been performed and documented based on the appropriate inspection frequency as required by the applicable manufacturers' recommendations and good engineering practices for the following process equipment:

- a) Mycom Compressors only have records of Daily Rounds and Annual inspection. There are no records showing other various inspections have been performed for the interval of quarterly and bi-annually (Elapsed total runtime x 1000 hours = 0.2, 5, 10, 20, 30, 40, 50.)
- b) Evaporators only have records of Daily Rounds. There are no records showing other various inspections have been performed for the interval of weekly, monthly, and bi-annually (0.2, 1, 2, 12, or 52 times per year.)
- c) Condensers only have records of Daily Rounds. There are no records showing other various inspections have been performed for the interval of weekly, monthly, and bi-annually (0.02, 1, 2, 4, 12, or 52 times per year.)
- d) Ammonia Pumps only have records of Daily Rounds. There are no records showing other various inspections have been performed for the interval of monthly, and bi-annually (0.2, 1 or 12 times per year.)
- e) High Pressure Receivers only have records of Daily Rounds. There are no records showing other various inspections have been performed for the interval of weekly, and bi-annually (0.2, 1 or 52 times per year.)

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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The Russell Stover Candies, Inc. was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.119(j)(4)(iii), which was contained in OSHA inspection number 905429, citation number 1, item number 5b, and was affirmed as a final order on 9/12/2013, with respect to a workplace located at 1997 Pecan Delight Ave. Corsicana, TX 75110.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$38,500.00

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

29 CFR 1910.119(f)(4): The employer did not develop and implement safe work practices to provide for the control of hazards during operations such as lockout/tagout; confined space entry; opening process equipment or piping; and control over entrance into a facility by maintenance, contractor, laboratory, or other support personnel:

The employer is failing to develop a written standard operating procedure with clear instructions for opening of process equipment or piping.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$0.00

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:** 1095315  
**Inspection Date(s):** 10/01/2015 - 10/22/2015  
**Issuance Date:** 03/30/2016



**Citation and Notification of Penalty**

**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749

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

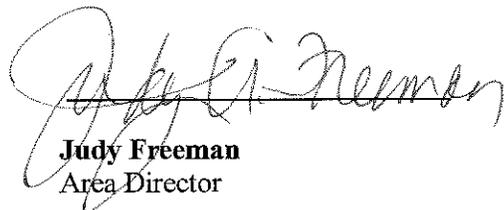
29 CFR 1910.119(l)(3): Employees involved in operating a process and maintenance and contract employees whose job tasks would be affected by a change in the process were not informed of and trained in the change prior to start-up of the process or affected part of the process:

The employer failed to protect the employees in that the employer submitted the MCF Number 2014-006 document on 6-23-2014 for replacing the Mycom Ammonia Compressor control panels but failed to provide a document to support that the Refrigeration Skilled-Specialists have been trained on operating the new control panels.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is completed.

Date By Which Violation Must be Abated:  
Proposed Penalty:

04/21/2016  
\$0.00

  
**Judy Freeman**  
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  
100 N. Broadway  
Suite 470  
Wichita, KS 67202  
Phone: 316-269-6644 Fax: 316-269-6185



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** Russell Stover Candies, Inc.  
**Inspection Site:** 1995 Marshmallow Lane, Iola, KS 66749  
**Issuance Date:** 03/30/2016

<b>Summary of Penalties for Inspection Number</b>	<b>1095315</b>
<b>Citation 1, Serious</b>	<b>\$89100.00</b>
<b>Citation 2, Repeat</b>	<b>\$104500.00</b>
<b>Citation 3, Other-than-Serious</b>	<b>\$0.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$193600.00</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

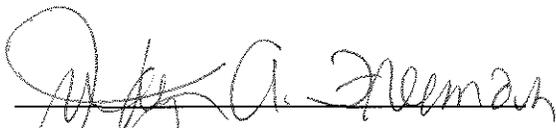
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

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 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.

  
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**Judy Freeman**  
Area Director

03 30 2016  
Date