

U.S. Department of Labor

Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



Citation and Notification of Penalty

To:
Star Snacks Co., LLC
105 Harbor Drive.
Jersey City, NJ 07305

Inspection Number: 945501
Inspection Date(s): 11/01/2013 - 04/29/2014
Issuance Date: 04/30/2014

Inspection Site:
30 Pulaski Street
Bayonne, NJ 07002

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. 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. 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 \$50,000 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. 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 04/30/2014. The conference will be held by telephone or at the OSHA office located at 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 945501

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002
Issuance Date: 04/30/2014

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, 299 Cherry Hill Road, Suite 103, Parsippany, NJ 07054**

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: 945501
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Issuance Date: 04/30/2014



Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.37(a)(2): The exit route was arranged so that employees would have to travel toward a high hazard area, and not effectively shielded from the high hazard area by suitable partitions or other physical barriers:

- a) Main Entrance/Exit, Warehouse Floor, 30 Pulaski Street, Star Snacks Company, LLC, Bayonne, NJ 07002.
- b) Secondary Entrance/Exit, Warehouse Floor, 30 Pulaski Street, Star Snacks Company, LLC, Bayonne, NJ 07002.

Liquefied propane gas for forklift use was stored in cages adjacent to the stairs leading from the emergency exit doors.

Condition observed on or about 11/1/2013.

Date By Which Violation Must be Abated:	06/12/2014
Proposed Penalty:	\$5000.00

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: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.95(g)(8)(ii)(B): Unless a physician determines that the standard threshold shift is not work-related or aggravated by occupational noise exposure, the employer did not ensure, when a standard threshold shift occurs, that for employees already using hearing protectors, employees be refitted and retrained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary:

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer did not provide hearing protection refitting and retraining for employees exposed to noise at or above the action level with diagnosed work-related standard threshold shifts.

Condition observed on or about 1/30/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/12/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.95(i)(3): Employees were not given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer:

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer only provided one type of hearing protectors to employees exposed to noise at or above the action level and particularly those with diagnosed work-related standard threshold shifts noted in Citation 1 item 4a and Citation 1 item 4b.

Condition observed on or about 1/30/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/12/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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 1910.95(k)(1): The employer did not train each employee who is exposed to noise at or above an 8-hour time-weighted average of 85 decibels in accordance with the requirements of 29 CFR 1910.95(k):

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer did not provide initial noise training for all employees exposed to noise at or above the action level to include, but not limited to, those employees described below.

An employee (Hire Date: 10/23/2000) working in plastic machine (new line) was not provided initial hearing conservation training and was exposed to continuous noise levels at 75.3% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.75 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 88.0 dBA. Sampling was performed for 504 minutes on 3/11/2014.

An employee (Hire Date: 9/25/2002) working in checking (new line) was not provided initial hearing conservation training and was exposed to continuous noise levels at 132.2% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.3 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 92.0 dBA. Sampling was performed for 501 minutes on 3/11/2014.

Condition observed on or about 3/11/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/12/2014

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

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Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

Proposed Penalty: \$7000.00

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: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.95(k)(2): The training program was not repeated annually for each employee included in the hearing conservation program:

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer did not provide annual noise training for all employees exposed to noise at or above the action level to include, but not limited to, two employees in new line (checking), one employee in dry roaster packing, one employee in bulk packing, and one employee in pouch bag machine packaging.

An employee (Hire Date: 8/21/2006, Missed 2013 Audiometric Exam) working in checking (new line) was not provided 2013 annual training and was exposed to continuous noise levels at 98.4% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.98 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 89.9 dBA. Sampling was performed for 506 minutes on 3/11/2014.

An employee (Hire Date: 8/21/2006, Missed 2013 Audiometric Exam) working in checking (new line) was not provided 2013 annual training and was exposed to continuous noise levels at 114.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.1 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 90.9 dBA. Sampling was performed for 504 minutes on 3/11/2014.

An employee (Hire Date: 8/04/2009, Missed 2013 Audiometric Exam) working in dry roaster (packing) was not provided 2013 annual training and was exposed to continuous noise levels at 75.6% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.76 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 88.0 dBA. Sampling was performed for 499 minutes on 3/11/2014.

An employee (Hire Date: 5/27/2010, Missed 2013 Audiometric Exam) working in bulk (packing) was not provided 2013 annual training and was exposed to continuous noise levels at 117.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.2 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the

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Issuance Date: 04/30/2014



Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

measured dose is 91.1 dBA. Sampling was performed for 496 minutes on 3/11/2014.

An employee (Hire Date: 8/02/2011, Missed 2013 Audiometric Exam) working in pouch bag machine (packing) was not provided 2013 annual training and was exposed to continuous noise levels at 77.6% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.78 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 88.1 dBA. Sampling was performed for 491 minutes on 3/11/2014.

Condition observed on or about 3/11/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/12/2014

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: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.95(m)(2)(ii)(A): The employee audiometric test records did not include the job classification of each employee:

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer's audiometric records did not include the job classifications for all employees exposed to noise at or above the action level of 85 dBA as an 8 hour time-weighted average.

An employee working in plastic machine (new line) was exposed to continuous noise levels at 75.3% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.75 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 88.0 dBA. Sampling was performed for 504 minutes on 3/11/2014.

An employee working in checking (new line) was exposed to continuous noise levels at 98.4% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.98 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 89.9 dBA. Sampling was performed for 506 minutes on 3/11/2014.

An employee working in checking (new line) was exposed to continuous noise levels at 132.2% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.3 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 92.0 dBA. Sampling was performed for 501 minutes on 3/11/2014.

An employee working in checking (new line) was exposed to continuous noise levels at 114.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.1 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 90.9 dBA. Sampling was performed for 504 minutes on 3/11/2014.

An employee working in dry roaster (packing) was exposed to continuous noise levels at 75.6% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.76 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the

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: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

measured dose is 88.0 dBA. Sampling was performed for 499 minutes on 3/11/2014.

An employee working in bulk (packing) was exposed to continuous noise levels at 117.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.2 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 91.1 dBA. Sampling was performed for 496 minutes on 3/11/2014.

An employee working in pouch bag machine (packing) was exposed to continuous noise levels at 77.6% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.78 times the allowable exposure limit. The action level is 85 dBA. The equivalent sound level of the measured dose is 88.1 dBA. Sampling was performed for 491 minutes on 3/11/2014.

Condition observed on or about 3/11/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/12/2014
Proposed Penalty:	\$7000.00



Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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 6 a Type of Violation: **Serious**

29 CFR 1910.1200(e)(1): The employer did not develop, implement, and/or maintain at the workplace a written hazard communication program which describes how the criteria specified in 29 CFR 1910.1200(f), (g), and (h) will be met:

a) Warehouse Floor, 30 Pulaski Street, Star Snacks Company, LLC, Bayonne, NJ 07002.

The employer failed to implement a hazard communication program for workers exposed to liquefied propane gas and carbon monoxide while operating powered industrial trucks.

Condition observed on or about 11/4/2013.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/12/2014
Proposed Penalty:	\$7000.00

U.S. Department of Labor
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Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.1200(h)(1): Employees were not provided effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever a new hazard that the employees had not been previously trained about was introduced into their work area:

a) Warehouse Floor, 30 Pulaski Street, Star Snacks Company, LLC, Bayonne, NJ 07002.

The employer failed to train workers operating powered industrial trucks on the hazards of liquefied propane gas and carbon monoxide found in forklift exhaust.

Condition observed on or about 11/4/2013.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/12/2014

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: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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**

29 CFR 1910.95(g)(5)(ii): Where mobile test vans were used to meet the audiometric testing obligation, the employer did not obtain a valid baseline audiogram within 1 year of an employee's first exposure at or above the action level:

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer did not obtain a valid baseline audiogram for all employees' first exposure at or above the action level of 85 dBA as an 8 hour time-weighted average.

An employee (Hire Date: 10/23/2000) working in plastic machine (new line) was not given a baseline audiogram and was exposed to continuous noise levels at 75.3% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.75 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 88.0 dBA. Sampling was performed for 504 minutes on 3/11/2014.

An employee (Hire Date: 9/25/2002) working in checking (new line) was not given a baseline audiogram and was exposed to continuous noise levels at 132.2% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.3 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 92.0 dBA. Sampling was performed for 501 minutes on 3/11/2014.

Condition observed on or about 3/11/2014.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

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Proposed Penalty: \$70000.00

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Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.95(g)(6): At least annually after obtaining the baseline audiogram, the employer did not obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels:

a) Manufacturing Floor, 105 Harbor Drive, Star Snacks Company, LLC, Jersey City, NJ 07305.

The employer did not obtain annual audiograms for all employees at or above the action level of 85 dBA as an 8 hour time-weighted average.

An employee (Hire Date: 8/21/2006, Missed 2013 Audiometric Exam) working in checking (new line) was exposed to continuous noise levels at 98.4% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.98 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 89.9 dBA. Sampling was performed for 506 minutes on 3/11/2014.

An employee (Hire Date: 8/21/2006, Missed 2013 Audiometric Exam) working in checking (new line) was exposed to continuous noise levels at 114.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.1 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 90.9 dBA. Sampling was performed for 504 minutes on 3/11/2014.

An employee (Hire Date: 8/04/2009, Missed 2013 Audiometric Exam) working in dry roaster (packing) was exposed to continuous noise levels at 75.6% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.76 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 88.0 dBA. Sampling was performed for 499 minutes on 3/11/2014.

An employee (Hire Date: 5/27/2010, Missed 2013 Audiometric Exam) working in bulk (packing) was exposed to continuous noise levels at 117.0% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 1.2 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 91.1 dBA. Sampling was

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performed for 496 minutes on 3/11/2014.

An employee (Hire Date: 8/02/2011, Missed 2013 Audiometric Exam) working in pouch bag machine (packing) was exposed to continuous noise levels at 77.6% of the permissible daily noise exposure (8 hour Time Weighted Average sound level of 90 dBA) which is 0.78 times the allowable exposure limit. The action level is 85 dbA. The equivalent sound level of the measured dose is 88.1 dBA. Sampling was performed for 491 minutes on 3/11/2014.

Condition observed on or about 3/11/2014.

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Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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 2 a Type of Violation: **Willful**

29 CFR 1910.1000(a)(2): Employee's exposure to any substance in Table Z-1, the exposure limit of which was not preceded by a "C", exceeded the 8-hour Time Weighted Average given for that substance any 8-hour work shift of a 40-hour work week:

a) Warehouse Floor, 30 Pulaski Street, Star Snacks Company, LLC, Bayonne, NJ 07002.

Employees operating up to seventeen powered industrial trucks throughout the warehouse were exposed to carbon monoxide.

The first employee forklift operator was exposed at 201.7 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 4.0 times the allowable exposure limit respectively. Sampling was performed for 453 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

The second employee forklift operator was exposed at 251.3 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 5.0 times the allowable exposure limit respectively. Sampling was performed for 435 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

The third employee forklift operator was exposed at 267.1 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 5.3 times the allowable exposure limit respectively. Sampling was performed for 459 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

The fourth employee forklift operator was exposed at 231.8 ppm of the permissible exposure limit

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Issuance Date: 04/30/2014



Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

(PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 4.6 times the allowable exposure limit respectively. Sampling was performed for 457 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

Condition observed on or about 11/4/2013.

Star Snacks Co LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1000(a)(2), which was contained in OSHA inspection number 311058937, citation number 1, item number 2 and was affirmed as a final order on 11/27/2007 with respect to a workplace located at 105 Harbor Drive, Jersey City, NJ 07305.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/12/2014
Proposed Penalty:	\$70000.00

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: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

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

29 CFR 1910.1000(e): To achieve compliance with paragraphs (a) through (d) of this section, administrative or engineering controls were not first determined and implemented whenever feasible:

a) Warehouse Floor, 30 Pulaski Street, Star Snacks Company, LLC, Bayonne, NJ 07002.

The employer did not perform administrative and/or engineering controls in the workplace with employees operating powered industrial trucks exposed to carbon monoxide such as, but not limited to, activating roof/floor fans, opening bay doors, or properly using fuel additives.

The first employee forklift operator was exposed at 201.7 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 4.0 times the allowable exposure limit respectively. Sampling was performed for 453 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

The second employee forklift operator was exposed at 251.3 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 5.0 times the allowable exposure limit respectively. Sampling was performed for 435 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

The third employee forklift operator was exposed at 267.1 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 5.3 times the allowable exposure limit respectively. Sampling was performed for 459 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure calculation.

The fourth employee forklift operator was exposed at 231.8 ppm of the permissible exposure limit (PEL) eight hour time-weighted average carbon monoxide level of 50 parts per million (ppm) which is 4.6 times the allowable exposure limit respectively. Sampling was performed for 457 minutes on 11/4/2013, with the unsampled portion of time considered to represent zero for the exposure

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Citation and Notification of Penalty

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002

calculation.

Condition observed on or about 11/4/2013.

Star Snacks Co LLC was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1910.1000(a)(2), which was contained in OSHA inspection number 311058937, citation number 1, item number 2 and was affirmed as a final order on 11/27/2007 with respect to a workplace located at 105 Harbor Drive, Jersey City, NJ 07305.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

06/12/2014


Kris Hoffman
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
299 Cherry Hill Road
Suite 103
Parsippany, NJ 07054
Phone: 973-263-1003 Fax: 973-299-7161



INVOICE / DEBT COLLECTION NOTICE

Company Name: Star Snacks Co., LLC
Inspection Site: 30 Pulaski Street, Bayonne, NJ 07002
Issuance Date: 04/30/2014

Summary of Penalties for Inspection Number	945501
Citation 1, Serious	\$40000.00
Citation 2, Willful	\$140000.00
TOTAL PROPOSED PENALTIES	\$180000.00

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 on 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 \$50,000 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

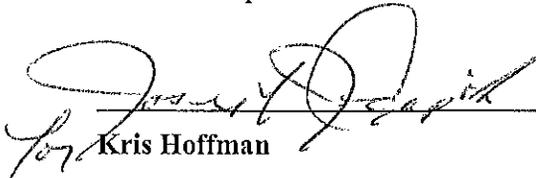
account, the bank will attempt to make the transfer up to 2 times.

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.


Kris Hoffman
Area Director

30 April 2014
Date