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## Citation and Notification of Penalty

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**To:**

Interstate Brands dba Hostess Brands  
and its successors  
1 Bakers Way  
Biddeford, ME 04005

**Inspection Number:** 315672352  
**Inspection Date(s):** 07/08/2011 - 09/08/2011

**Issuance Date:** 12/05/2011

**Inspection Site:**

1 Bakers Way  
Biddeford, ME 04005

*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 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. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

**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 page 3 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.

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

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) The citation and citation item number(s) to which the submission relates; 4) A statement that the information is accurate; 5) The signature of the employer or employer's authorized representative; 6) The date the hazard was corrected; 7) A brief statement of how the hazard was corrected; and 8) A statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**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 OSHA 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 OSHA 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 Date** - 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. This information related to these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Citation Issuance Date. 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 12/05/2011. The conference will be held at the OSHA office located at Edmund S. Muskie Federal Bldg., 40 Western Avenue, Room G-26, Augusta, Maine 04330 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



**Citation and Notification of Penalty**

**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005

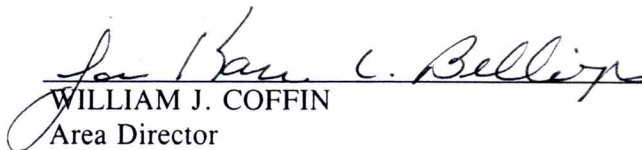
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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.23(c)(1): Open sided floor(s) or platform(s) 4 feet or more above the adjacent floor or ground level were not guarded by standard railings (or the equivalent as specified in 29 CFR 1910.23(e)(3)(i) through (v)), on all open sides:

- a) Mixing Area, Platform on the Right Side of the #1 Mixer Hopper - A guardrail was not provided to prevent a fall into the #1 mixer hopper.
- b) Mixing Area, Platform on the Left Side of the #1 Mixer Hopper - A guardrail was not provided to prevent a fall into the #2 mixer hopper.
- c) Mixing Area, Platform on the Left Side of the #2 Mixer Hopper - A guardrail was not provided to prevent a fall into the #2 mixer hopper.
- d) Mixing Area, Platform on the Left Side of the #5 Mixer Hopper - A guardrail was not provided to prevent a fall into the #5 mixer hopper.
- e) Mixing Area, Platform on the Left Side of the #5 Mixer Hopper - A guardrail was not provided to prevent a fall into the #6 mixer hopper.
- f) Mixing Area, Platform on the Left Side of #6 Mixer Hopper - A guardrail was not provided to prevent a fall into the #6 mixer hopper.
- g) Mixing Area, Platform at the Top of the #1 Mixer Flour Hopper - A standard guardrail was not provided between the platform and the flour hopper.

Date By Which Violation Must be Abated: 02/06/2012  
Proposed Penalty: \$ 5500.00

  
WILLIAM J. COFFIN  
Area Director

# **U.S. Department of Labor**

Occupational Safety and Health Administration

Edmund S. Muskie Federal Bldg.

40 Western Avenue, Room G-26

Augusta, ME 04330

Phone: (207)626-9160 FAX: (207)622-8213

## **INVOICE/ DEBT COLLECTION NOTICE**

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**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005  
**Issuance Date:** 12/05/2011

### **Summary of Penalties for Inspection Number 315672352**

**Citation 1, Serious** = \$ **5500.00**

**TOTAL PROPOSED PENALTIES** = \$ **5500.00**

To avoid additional charges, please remit payment promptly to this OSHA 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.

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

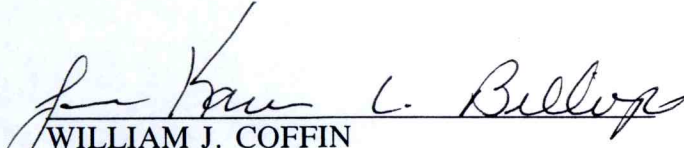
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 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.

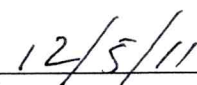
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts 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 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 three percent (3%) 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 second and subsequent demand letters sent in an attempt to collect the unpaid debt. Costs will not be assessed for first demand letters and payment default letters.

  
WILLIAM J. COFFIN  
Area Director

  
Date



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## Citation and Notification of Penalty

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1 Bakers Way  
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**Inspection Number:** 315672352

**Inspection Date(s):** 07/08/2011 - 09/08/2011

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### Citation and Notification of Penalty

Company Name: Interstate Brands dba Hostess Brands  
Inspection Site: 1 Bakers Way, Biddeford, ME 04005

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

29 CFR 1910.27(d)(3): The side rails of through or side step fixed ladder extensions did not extend 3 1/2 feet above parapet(s) or landing(s):

- a) Mixing Area, Mixer #3 - The ladder leading from the left side of the mixer to the platform at the top of the flour hopper extended approximately six inches above the walking surface of the platform.
- b) Mixing Area, Mixer #4 - The ladder leading from the right side of the mixer to the platform at the top of the flour hopper extended approximately six inches above the walking surface of the platform.
- c) Mixing Area, Mixer #7 - The ladder leading from the left side of the mixer to the platform at the top of the flour hopper extended approximately six inches above the walking surface of the platform.
- d) Mixing Area, Mixer #1 - The ladder leading from the left side of the mixer to the platform at the top of the flour hopper extended approximately one and one-half feet above the walking surface of the platform.
- e) Mixing Area, Mixer #2 - The ladder leading from the left side of the mixer to the platform at the top of the flour hopper extended approximately one and one-half feet above the walking surface of the platform.
- f) Mixing Area, Mixer #5 - The ladder leading from the left side of the mixer to the platform at the top of the flour hopper extended approximately one and on-half feet above the walking surface of the platform.
- g) Mixing Area, Mixer #6 - The ladder leading from the left side of the mixer to the platform at the top of the flour hopper extended approximately one and one-half feet above the walking surface of the platform.
- h) Mixing Area, Mixer #1, Transition Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the transition platform.
- i) Mixing Area, Mixer #1, Transition Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the transition platform.
- j) Mixing Area, Mixer #2, Transition Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the transition platform.
- k) Mixing Area, Mixer #2, Transition Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the transition platform.
- l) Mixing Area, Mixer #3, Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the platform.

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



### Citation and Notification of Penalty

**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005

- m) Mixing Area, Mixer #3, Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the platform.
- n) Mixing Area, Mixer #4, Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the platform.
- o) Mixing Area, Mixer #4, Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the platform.
- p) Mixing Area, Mixer #5, Transition Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the platform.
- q) Mixing Area, Mixer #5, Transition Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the platform.
- r) Mixing Area, Mixer #6, Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the platform.
- s) Mixing Area, Mixer #6, Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the platform.
- t) Mixing Area, Mixer #7, Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the platform.
- u) Mixing Area, Mixer #7, Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the platform.
- v) Mixing Area, Mixer #8, Transition Platform on the Right Side of the Mixer - The left side-rail did not extend above the walking surface of the platform.
- w) Mixing Area, Mixer #8, Transition Platform on the Left Side of the Mixer - The right side-rail did not extend above the walking surface of the platform.
- x) Six Strap Bread Production Line, Cooler Outfeed - The siderails of the ladder leading from the floor to the cooler outfeed platform extended approximately one and one-half feet above the walking surface of the platform.

Date By Which Violation Must be Abated: 02/23/2012  
Proposed Penalty: \$ 5500.00



**Citation and Notification of Penalty**

**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005

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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 resulting from an accident and/or illness.

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

29 CFR 1910.36(d)(1): Employees were not able to open an exit route door from the inside at all times without keys, tools, or special knowledge:

Receiving Area, Northeast End - The exit door was locked by means of a "magnetic lock" that required the use of a key card or key pod to unlock it.

**Date By Which Violation Must be Abated:** 01/24/2012  
**Proposed Penalty:** \$ 4400.00

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

29 CFR 1910.37(a)(3): Exit routes were not free and unobstructed:

Cake and Shipping Areas - The marked exit route leading from the cake area to the shipping area exit door was obstructed by product racks.

**Date By Which Violation Must be Abated:** 12/26/2011



**Citation and Notification of Penalty**

**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005

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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 resulting from an accident and/or illness.

**Citation 2 Item 3a** Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Establishment - Written equipment-specific procedures were not developed for the control of potentially hazardous energy of machinery including, but not limited to slicers, breadline pulver, and baggers.

**Date By Which Violation Must be Abated:** 02/23/2012  
**Proposed Penalty:** \$ 5500.00

**Citation 2 Item 3b** Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(ii): The employer did not certify that periodic inspections of the energy control procedures had been performed:

Establishment - The employer did not certify that periodic inspection of the energy control procedures had been performed.

**Date By Which Violation Must be Abated:** 12/26/2011



### Citation and Notification of Penalty

Company Name: Interstate Brands dba Hostess Brands  
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#### Citation 2 Item 4 Type of Violation: **Serious**

29 CFR 1910.212(a)(1): Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by points of operation, ingoing nip points, rotating parts, and/or flying chips:

- a) Cake Line, Product Exit of the Icing Tower - The ingoing nip at the interface of the metal conveyor belt and conveyor roll was not guarded.
- b) Maintenance Shop, Kalamazoo Horizontal Band Saw - The unused portion of the band saw blade was not guarded.
- c) Maintenance Shop, Clausing Drill Press Model 2271 - A guard was not provided to protect the operator from the hazards of metal chips, rotating chuck and rotating drill bit.

Date By Which Violation Must be Abated: 01/24/2012  
Proposed Penalty: \$ 5500.00

#### Citation 2 Item 5 Type of Violation: **Serious**

29 CFR 1910.215(b)(9): The distance between the abrasive wheel periphery(s) and the adjustable tongue or the end of the safety guard peripheral member at the top exceeded one fourth inch:

Maintenance Shop, Dayton Industrial Pedestal Grinder - The distance between the two abrasive wheels and their adjustable tongue guard was approximately 5/8 inches and 3/4 inches.

Date By Which Violation Must be Abated: 12/26/2011  
Proposed Penalty: \$ 4400.00



### Citation and Notification of Penalty

**Company Name:** Interstate Brands dba Hostess Brands  
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#### Citation 2 Item 6 Type of Violation: **Serious**

29 CFR 1910.219(c)(2)(i): Exposed part(s) of horizontal shafting were not protected by stationary casing(s) enclosing shafting completely or by trough(s) enclosing sides and top or sides and bottom of shafting:

Cake Line, Icing Application Conveyor - The drive shaft was not guarded.

Date By Which Violation Must be Abated: 12/26/2011  
Proposed Penalty: \$ 4400.00

#### Citation 2 Item 7 Type of Violation: **Serious**

29 CFR 1910.333(c)(2): Employees were not capable of working safely on energized circuits and were not familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools:

Establishment - Employees exposed to live electrical parts when performing electrical diagnostic work on 120, 220, and 480 volt equipment were not familiar with the use of personal protective equipment to protect against the hazards of arc flash, arc blast and electric shock.

Date By Which Violation Must be Abated: 02/08/2012  
Proposed Penalty: \$ 7000.00



### Citation and Notification of Penalty

**Company Name:** Interstate Brands dba Hostess Brands  
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#### Citation 3 Item 1 Type of Violation: **Repeat**

29 CFR 1910.263(c)(3): Sprocket(s) and Vbelt drive(s) of bakery machinery located within reach from platform(s) or passageway(s) or located within 8 feet 6 inches from the floor were not completely enclosed:

- a) Cake Line, Icing Area - The chain and sprockets driving the cake alignment conveyor were not guarded.
- b) Cake Line, Dough Boy #9 Feeder - The chain and sprocket driving the feeder of dough boy #9 was not guarded.

Interstate Brands Corporation was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.263(c)(3), which was contained in OSHA inspection number 312779440, citation number 1, item number 1 and was affirmed as a final order on July 28, 2010, with respect to a workplace located at 1969 Victory Drive, Columbus, Georgia.

Date By Which Violation Must be Abated:  
Proposed Penalty:

12/26/2011  
\$ 27500.00



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**Company Name:** Interstate Brands dba Hostess Brands  
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**Citation 3 Item 2** Type of Violation: **Repeat**

29 CFR 1910.335(a)(1)(i): Employees working in areas where there were potential electrical hazards were not provided with, and/or did not use, electrical protective equipment that was appropriate for the specific parts of the body to be protected and for the work to be performed:

Establishment - Employees exposed to live electrical parts when performing electrical diagnostic work on 120, 220, and 480 volt equipment were not provided with and did not use personal protective equipment to protect them against the hazards of electrical shock, arc flash and arc blast.

Interstate Brands Corporation was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.335(a)(1)(i), which was contained in OSHA inspection number 313423972, citation number 1, item number 1 and was affirmed as a final order on October 13, 2010, with respect to a workplace located at 9555 West Soreng Avenue, Schiller Park, Illinois.

|                                         |             |
|-----------------------------------------|-------------|
| Date By Which Violation Must be Abated: | 02/08/2012  |
| Proposed Penalty:                       | \$ 35000.00 |

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

**Inspection Number:** 315672352  
**Inspection Dates:** 07/08/2011 - 09/08/2011  
**Issuance Date:** 12/22/2011



**Citation and Notification of Penalty**

**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005

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

29 CFR 1910.178(l)(6): The employer did not certify that each operator has been trained and evaluated:

Establishment - The training and evaluation certification was not kept for a powered industrial truck operator randomly selected by the Compliance Officer.

Date By Which Violation Must be Abated: 12/26/2011  
Proposed Penalty: \$ 0.00

**Citation 4 Item 2** Type of Violation: **Other**

29 CFR 1910.178(q)(7): Powered industrial truck(s) which were used on a round-the-clock basis were not examined for defects after each shift:

Receiving Area - The primary use Hyster 60 electric lift truck was not inspected each shift it was used.

Date By Which Violation Must be Abated: 12/26/2011  
Proposed Penalty: \$ 0.00

  
\_\_\_\_\_  
WILLIAM J. COFFIN  
Area Director

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See pages 1 through ? 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

*Edmund S. Muskie Federal Bldg.*

40 Western Avenue, Room G-26

Augusta, ME 04330

Phone: (207)626-9160 FAX: (207)622-8213

**INVOICE/  
DEBT COLLECTION NOTICE**

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**Company Name:** Interstate Brands dba Hostess Brands  
**Inspection Site:** 1 Bakers Way, Biddeford, ME 04005  
**Issuance Date:** 12/22/2011

**Summary of Penalties for Inspection Number 315672352**

|                                 |                      |
|---------------------------------|----------------------|
| <b>Citation 2, Serious</b>      | <b>= \$ 36700.00</b> |
| <b>Citation 3, Repeat</b>       | <b>= \$ 62500.00</b> |
| <b>Citation 4, Other</b>        | <b>= \$ 0.00</b>     |
| <b>TOTAL PROPOSED PENALTIES</b> | <b>= \$ 99200.00</b> |

To avoid additional charges, please remit payment promptly to this OSHA 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.

OSHA does not agree to any restrictions or conditions put on any check or money order for less than 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 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 three percent (3%) 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 second and subsequent demand letters sent in an attempt to collect the unpaid debt. Costs will not be assessed for first demand letters and payment default letters.

  
\_\_\_\_\_  
WILLIAM J. COFFIN  
Area Director

\_\_\_\_\_  
Date 12/22/2011