PLAINTIFF'S EXHIBIT
tabbies
UC-1180

G-38,738-1
UNION CARBIDE CORPORATION
(OSHA Citation 84-0705)

November 27, 1984

Ms. Betty-Lynn White
Law Department
Union Carbide Corporation
Old Ridgebury Road
Danbury, Connecticut 06817

Dear Betty-Lynn:

I have attached the settlement agreement which we discussed. The exculpatory language is contained in paragraphs 2 and 3.

The abatement language proposed by Fitz is:

> Prior to activating and placing the chiller unit in service, the employer shall make certain that the pressure on the unit to be cooled does not exceed the pressure for which the chiller unit is designed.

Fitz has indicated that the exact wording is not critical to him and that there is plenty of room for negotiation.

Sincerely,

Ross Harrison

RH:160
Attachment

UCTC 21122

11/27 09:35 7405:07 003

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

RAYMOND J. DONOVAN, Secretary of Labor, United States Department of Labor, Complainant,	$	
V.	$	OSHRC DOCKET NO. 81-0191
MUNDY INDUSTRIAL MAINTENANCE, INC., and Its Successors, Respondent.	$	

SETTLEMENT AGREEMENT

COME NOW Complainant and Respondent and submit the following settlement agreement pursuant to Rule 100 of the Commission's Rules of Procedure:

1. On May 22, 1984, the Court granted Complainant's motion to amend Citation No. 1 and the Complaint to allege a violation of Section 5(a)(1) of the Act (29 U.S.C. § 654(a)(1)). Complainant now moves to withdraw that allegation and to amend the Complaint and Citation No. 1 to reflect only those citations contained in Citation Nos. 1 and 2 as issued on January 25, 1984.

2. Subject to the granting of Complainant's motion and without admitting any violation of the Occupational Safety and Health Act or the occupational safety and

UCTC 21123

11/27 02:25 7402187 #03

health regulations promulgated pursuant to the Act, Respondent moves to withdraw its contest of the citations issued on January 25, 1984, as the result of the Occupational Safety and Health Administration's Inspection No. 03109-736. In this regard, Respondent notes that Citation No. 1 fails to allege a violation of 29 C.F.R. 1926.556(b)(2).

3. The entry of a final order of the Commission approving this settlement agreement shall not constitute an admission by Respondent of any violation of the Occupational Safety and Health Act to any third parties in any other proceedings, formal or informal, except proceedings brought by the Secretary of Labor directly under the provisions of the Occupational Safety and Health Act.

4. Upon the entry of a final order of the Commission approving this settlement agreement, Respondent promises to pay the penalty of $420.00 to be assessed by the Commission.

5. Respondent states that the conditions described in the citations have been corrected to the extent required, if any.

6. Respondent certifies that the affected employees in the above-styled case are not represented by an authorized employee representative.

UCTC 21124

Union Carbide trial exhibit UC-1180: Ross Harrison to Betty-Lynn White Transmitting OSHRC Settlement Agreemen... Published by AsbestosClaims.Law
ACL Doc 16354 · Page 3 of 7 asbestosclaims.law/library/16354/3

7. Respondent certifies that a copy of this settlement agreement has been served upon the unrepresented affected employees in the manner set forth in Rule 7 of the Rules of Procedure, by posting same on the 12th day of June, 1984.

8. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

BAKER & BOTTS

By: Ross Harrison
Ross Harrison
Attorney

Baker & Botts
One Shell Plaza
Houston, Texas 77002

Telephone: (713) 229-1234

Attorneys for Respondent.

FRANCIS X. LILLY
Solicitor of Labor

JAMES E. WHITE
Regional Solicitor

JACK F. OSTRANDER
Counsel for Occupational
Safety and Health

By: Robert A. Fitz
Robert A. Fitz
Attorney

U.S. Department of Labor
Office of the Solicitor
555 Griffin Square, Suite 501
Dallas, Texas 75202

Telephone (214) 767-4902

Attorneys for Complainant.

OSHA No. D2139-736
SOL Case No. 20895

UCTC 21125

Union Carbide trial exhibit UC-1180: Ross Harrison to Betty-Lynn White Transmitting OSHRC Settlement Agreemen...
ACL Doc 16354 · Page 4 of 7
Published by AsbestosClaims.Law
asbestosclaims.law/library/16354/4

NOTICE TO AFFECTED EMPLOYEES
NOT REPRESENTED BY A LABOR ORGANIZATION

EACH AFFECTED EMPLOYEE WHO IS NOT REPRESENTED BY A LABOR ORGANIZATION HEREBY IS GIVEN NOTICE THAT ANY OBJECTIONS TO THE ENTRY OF AN ORDER APPROVING THIS SETTLEMENT AGREEMENT MUST BE FILED WITHIN TEN (10) DAYS FROM THE DATE THAT THIS SETTLEMENT AGREEMENT IS POSTED. SUCH OBJECTIONS MUST BE SET FORTH IN WRITING AND MAILED TO THE HONORABLE E. CARTER BOTKIN, ADMINISTRATIVE LAW JUDGE, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, 1100 COMMERCE STREET, SUITE 7B11, DALLAS, TEXAS 75242, WITH COPIES TO COMPLAINANT AND RESPONDENT.

OLRR:B

UCTC 21126

11/27 02135 7402187 006 OF 06

Union Carbide trial exhibit UC-1180: Ross Harrison to Betty-Lynn White Transmitting OSHRC Settlement Agreemen… Published by AsbestosClaims.Law
ACL Doc 16354 · Page 5 of 7 asbestosclaims.law/library/16354/5

BAKER & BOTTS
ONE SHELL PLAZA
HOUSTON, TEXAS 77002
TELEPHONE (713) 229-1234
TELECOPIER (713) 229-1730
TELEX 76-2778

1001 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20004

1018 UNITED BANK TOWER
400 WEST FIFTEENTH STREET
AUSTIN, TEXAS 78701

TELECOMMUNICATION TRANSMITTAL

TO: Betty-Lynn White

FROM: Ross Harrison

DATE: November 27, 1984

Total Number of Pages 6 (Including This Cover Sheet)

We telephoned and verified receipt of telecopy YES ____ NO ____

Person's Name: _____

Phone: (713+) 229-1107 - Automatic - Panafax MV3000 Group I, II and III
229-1621 - Manual - Dex 700 - Group I
229-1322 - Automatic - Xerox 200 - Group I
229-1381 - Automatic - Dex 4100 - Group I

229-1730 - VERIFY TELEPHONE NUMBER

Sent By: Barbara Baker, Judi Brown or Michael Lerma

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.

(713+) 229-1730 or 229-1621 <- Barbara Baker

UCTC 21121

Published by AsbestosClaims.Law
asbestosclaims.law/library/16354/6

cc: FCP

cc: WPN - SJF - 0134 -

file OSHA

Union Carbide Corp., Danbury, Conn.
Telecopier Cover Letter

Please deliver the following pages to:

Name: Foley Provenzano - TX City

From: Betty-Lynn White

Total number of pages including cover letter: 7

Date: 1/21/84 Secretary's Name: Nita Ext. 6382

We are transmitting from a Xerox Telecopier 410 at the following speed: 4 min.____ 6 min.____

If you do not receive all the pages, please call back as soon as possible.

Telephone no.: 8-721-6270

For transmission purposes: 409-945-7441 and ask for X 6435

Direct line to Telecopier is: 8-721-6269

UCTC 21120