UNION CARBIDE CORPORATION
OLD RIDGEBURY ROAD, DANBURY, CONN 06817
LAW DEPARTMENT

FEDERAL EXPRESS

PLAINTIFF'S EXHIBIT
UC-1181

August 20, 1984

Mr. F. S. Provenzano
Union Carbide Corporation
3301 5th Avenue South
Texas City, TX 77590

RE: OSHA No. 84-0705

Dear Foley:

I have just received a copy of the following two items:

(1) Notice to Employees and
(2) Employer Certificate of Service

I telephoned Mr. Fitz of the Department of Labor to explain the late receipt and some complications with the employee's union not receiving a direct copy of the Notice. However, as we already discussed, it was my understanding that Mr. D. B. Whittington was going to speak with the appropriate Union directly and we posted a copy of Citation and the Notice of Contest.

Notwithstanding that Mr. Fitz notified me that the Texas City Metal Trades Council was aware of the citation and complaint and had not elected party status. I promised we would post the "Notice", as well as give another copy of our Notice of Contest and the completed Notice form to the Union and mail the certificate within the 48 hour limit. For convenience, I have included an extra copy of the "Citation" and Notice of Contest.

Please complete the forms as set forth in the copies attached, post the original (pink) Notice and mail the original (pink) Certificate.

If you have any questions, please call directly. I am

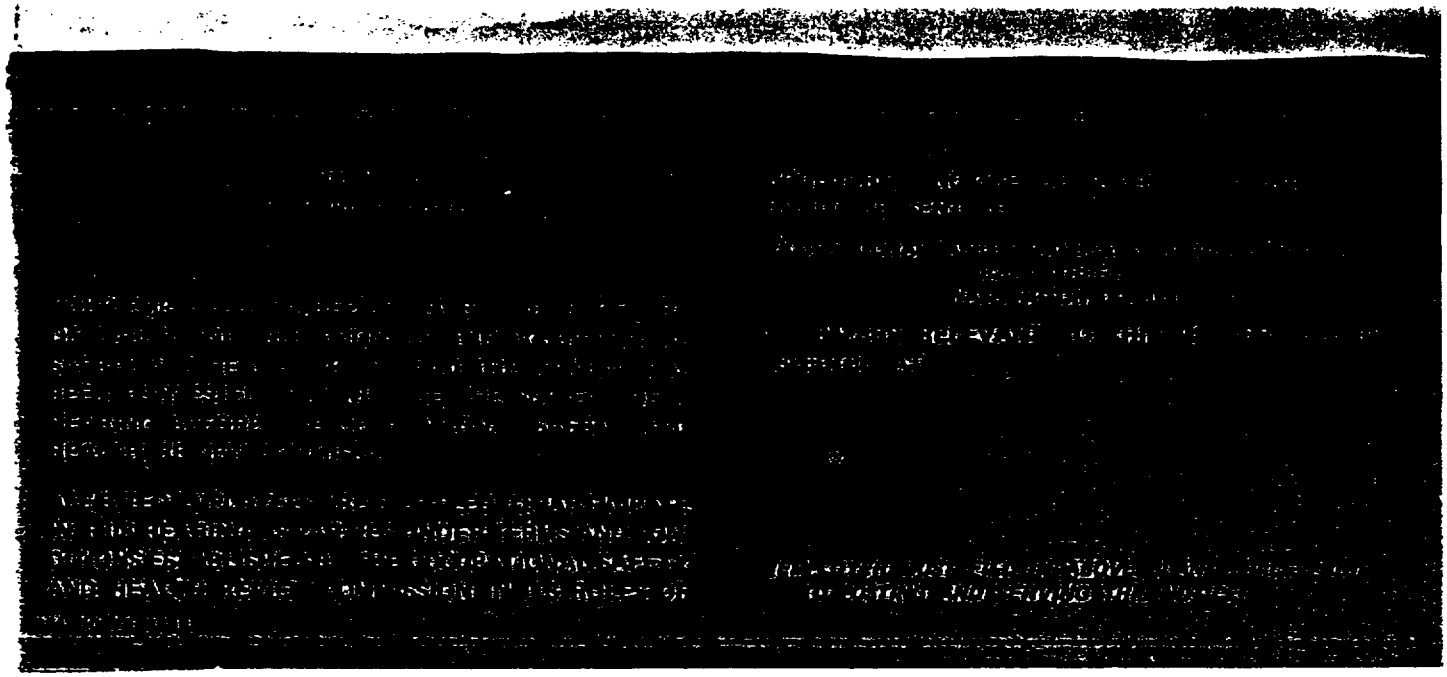
Sincerely yours,

Betty-Lynn White

BLW/nc
Enclosures

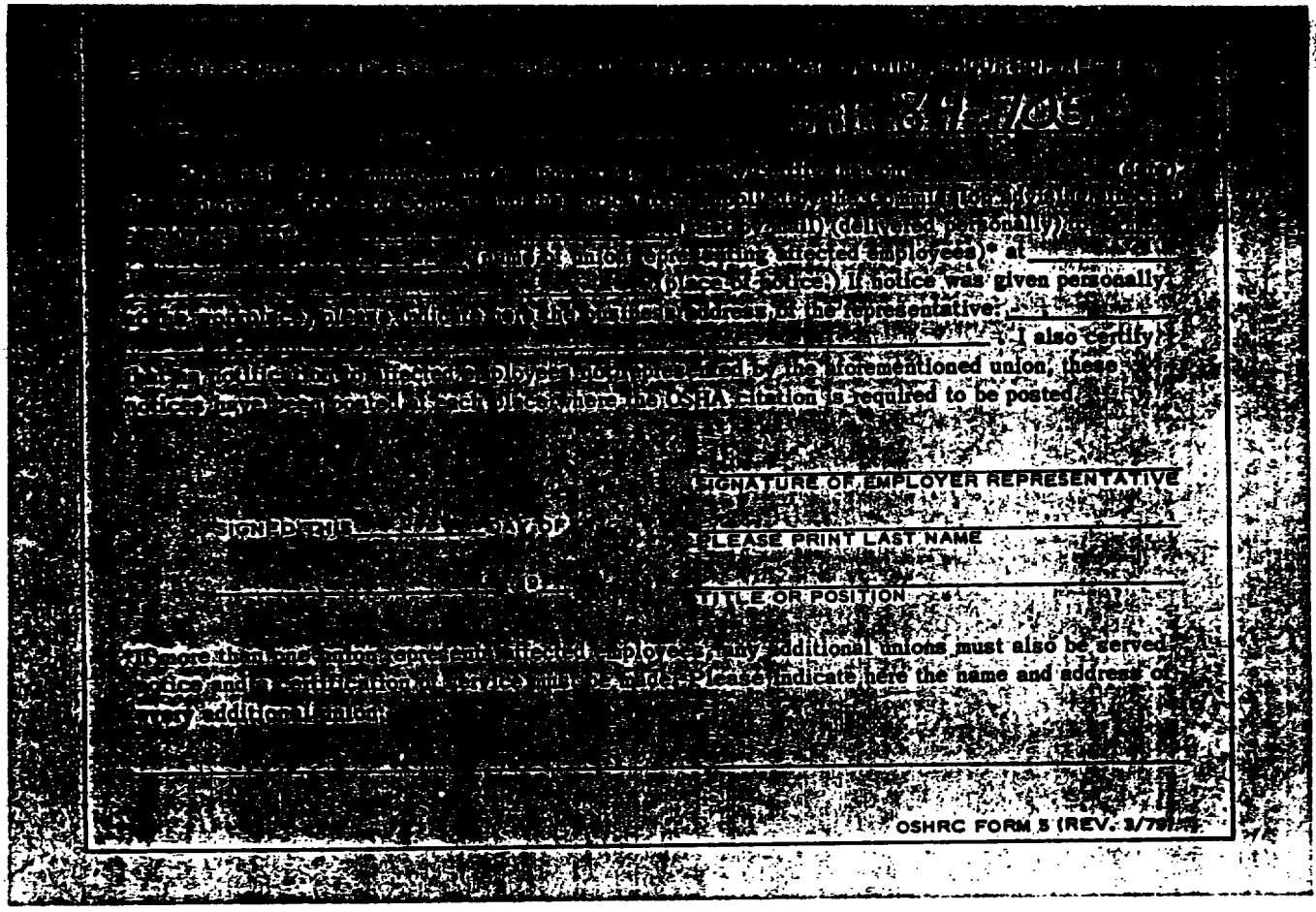
cc: Mr. D. B. Whittington

Union Carbide trial exhibit UC-1181: Betty-Lynn White to F. S. Provenzano on Posting the Notice to Employees in O... Published by AsbestosClaims.Law
ACL Doc 16355 · Page 1 of 7 asbestosclaims.law/library/16355/1



UCTC 21128

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(delivered personally)

affected employees)" at

(place of posting) If notice was given personally,

of the representative:

I also certify

mentioned union, these

OSHA citation is required to be posted

SIGNATURE OF EMPLOYER REPRESENTATIVE

PLEASE PRINT LAST NAME

TITLE OR POSITION

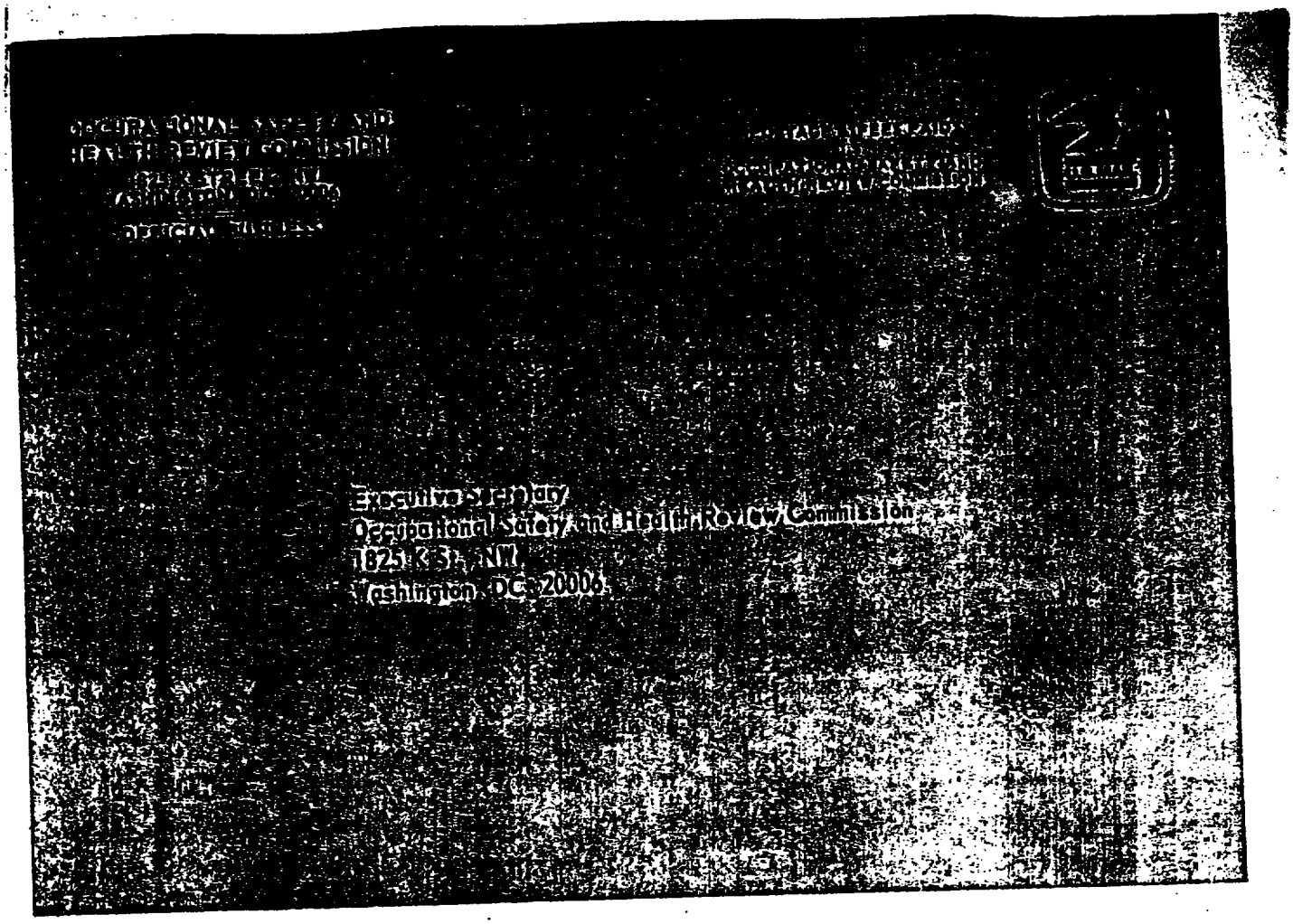
additional unions must also be served.

Please indicate here the name and address of

OSHRC FORM 5 (REV. 3/79)

UCTC 21129

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UCTC 21130

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Contd.

UNION CARBIDE CORPORATION OLD RIDGEBURY ROAD, DANBURY, CT. 06817
LAW DEPARTMENT

CERTIFIED NO. P188172604
RETURN RECEIPT REQUESTED

July 16, 1984

JUL 19 1984

G. A. Baty, Area Director
Houston Office
U.S. Department of Labor
Occupational Safety & Health Administration
2320 LaBranch - Room 1103
Houston, TX 77004

RE: Notice of Contest
OSHO No. P4765-939
Union Carbide Corporation
Texas City, TX

Dear Mr. Baty:

This will notify you that Union Carbide Corporation hereby contests the attached serious citation (OSHO I.D. No. P4765-939) (Inspection No. 1363274) concerning an alleged violation of Section 5(a)(1) of the Occupational Safety and Health Act of 1970 29 USC §651 et. seq. (as amended) issued on July 3, 1984.

If you have any questions, please contact me directly.

Sincerely yours,

Betty-Lynn White
Attorney for Union Carbide Corporation

BLW/nc
Enclosure

cc: F. Provenzano

UCTC 21131

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

Citation and Notification of Penalty

Houston Area Office
2320 LaBranch – Room 1103
Houston, Texas 77004

2. Inspection Site	3. Issuance Date	4. Inspection Number
626600	7/3/84	136274
5. Inspection ID	6. Case ID	
939	74765	
7. Optional Report No.	8. Page No.	
939	1 of 1	

1. Type of Violation(s)	2. Citation Number
SERIOUS	1

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Site: 1500 Fifth Avenue South, Texas City, TX 77590

Possible Jury Duty Within 10 Days of Receipt of This Notification Unless Corrected (See enclosed Booklet)

This Section May Be Detached Before Posting

9. To: Union Carbide Corporation
and its successors
P.O. Box 471
Texas City, TX 77590
ATTN: Mr. Warren Anderson, Board Chairman

THE LAW REQUIRES that a copy of this Citation be posted immediately at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays, whichever is longer.

This Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must abate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. 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 the Citation is affirmed by the Review Commission.

12. Item Number / 13. Standard, Regulation or Section of the Act Violated / 14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1 Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or were likely to cause death or serious physical harm to employees, in that: (a) Employees were exposed to the hazard of contact with scalding water which was released by a pipe fitting failure that was installed by a contractor and was circulating cooling water through the chilling system and the reactor of the vinyl acetate unit on or about April 11, 1984. A feasible and useful method to correct the hazard is to insure that the contractor installs the piping in accordance with good engineering practices for pressure piping prior to use by plant employees; such as: 1) Using pipe components rated for the maximum operating pressure. 2) Install a pressure relief valve on the chilling system. 3) Properly examine and inspect the piping components for visible defects prior to use. The above could be done by using American National Standards Institute B31.1, 1983, or equivalent as a guide.	Immediately Upon Receipt	$480

EXHIBIT A

17. Area Director: GERALD L. BATY

18. $480

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he 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 within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and penalty.

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 has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

CITATION AND NOTIFICATION OF PENALTY

CASE FILE COPY

OSHA-2 (Rev. 1/84)

UCTC 21132

NOTICE
TO EMPLOYEES OF

UNION CARBIDE CORP

YOUR EMPLOYER HAS BEEN CITED BY THE SECRETARY OF LABOR FOR VIOLATION OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970. THE CITATION HAS BEEN CONTESTED AND WILL BE THE SUBJECT OF A HEARING BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

AFFECTED EMPLOYEES ARE ENTITLED TO PARTICIPATE IN THIS HEARING AS PARTIES UNDER TERMS AND CONDITIONS ESTABLISHED BY THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION IN ITS RULES OF

(OSHA 2C (11-1973)

PROCEDURE. NOTICE OF INTENT TO PARTICIPATE SHOULD BE SENT TO

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1825 K STREET, NW
WASHINGTON, DC 20006

ALL PAPERS RELEVANT TO THIS MATTER MAY BE INSPECTED AT

[EMPLOYER MUST FILL IN ABOVE BLANK SPACE PRIOR TO POSTING AND SERVING THIS NOTICE]

EMPLOYER MUST COMPLETE CERTIFICATE OF SERVICE AND MAIL WITHIN 48 HOURS OF RECEIPT:

NAME Union Carbide Corp. DOCKET NUMBER 84-705

On behalf of the employer in the above case, I hereby certify that on August 21, 1984 (date),

UCTC 21133