Copies: FSP, WPN, FCP, KT, ORD 20 for posting

U.S. Department of Labor
Houston Area Office
2320 LaBranch, Room 1103
Houston, Texas 77004

Occupational Safety and Health Administration

Reply to the Attention of:

July 3 ltr w/cbp

July 3, 1984

RECEIVED
JUL 5 1984
FSP

PLAINTIFF'S EXHIBIT
tabbies
UC-1188

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

RE: 1363274 (P4765-939)

Dear Mr. Anderson:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet which explains your rights and responsibilities under the Act. As indicated on page 2 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During the informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you decide to request an informal conference, please complete the form at the bottom of this letter and post it next to the citations immediately after determining the time, date, and place of the informal conference.

If you have any questions about the enclosed citations and penalties, I would welcome further discussion at the informal conference; and, where warranted, I am authorized to enter into an informal settlement agreement with you which amicably resolves this matter without litigation or contest. If you have any questions regarding the informal conference, please contact me.

Sincerely,

GERALD A. BATY
Area Director

Enclosures

UCTC 21159

An informal conference has been scheduled with OSHA to discuss the citations issued on 7/3/84. The conference will be held at the OSHA office located at 2320 La Branch, Houston, Tx. (Address) on 7/10/84 (Date) at 10:00 a.m. (Time).

...ment of Labor
...Safety and Health Administration

...tation and Notification of Penalty

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

3. Issuance Date	4. Inspection Number
7/3/84	1363274
5. Reporting ID	6. CSHO ID
626600	P4765
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 Date(s):
4/16-5/4/84

11. Inspection Site:
3301 Fifth Avenue South
Texas City, TX 77590

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (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

...E LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The ...tation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever ...longer.
...is Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must ...ate the violations referred to in this Citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends ...d 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 ...own above. (See the enclosed booklet which outlines your rights and responsibilities and should be read in conjunction with this form.) You are further ...otified 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, ...is 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 ...urt 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 ...r 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
...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 13, 1984. A feasible and useful method to correct the hazard is to insure that the contractor installs the piping in accordance with good ...	Immediately Upon Receipt	$480

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