9-480

U.S. Department of Labor

PLAINTIFF'S EXHIBIT UC-1199

September 8, 1980

Union Carbide Corporation
Box 471
Texas City, TX 77590

RE: Union Carbide Corp.
01127

Dear Sir/Madam:

On September 4, 1980, the Occupational Safety and Health Administration (OSHA) received a complaint concerning health hazards at your worksite at Building 60, in Texas City, Texas. The specific nature of the complaint involves employee exposure to cigarette smoke during conferences conducted in Building 60 (Conference Room 3).

We have not determined whether hazards, as alleged, exist at your workplace, and we are not conducting an inspection at this time. However, since allegations of violations have been made, you should immediately investigate the alleged condition(s) and make necessary corrections or modifications. Within 10 calendar days from receipt of this letter, please advise me in writing of your findings and of the action you have taken. Your response should be detailed, stating specifically what action you have taken to abate any hazards. You should enclose any supporting documentation on the action you have taken such as monitoring results, ordering of equipment, and the like.

The complainant has been advised of our response to the complaint and furnished a copy of this letter. Section 11(c) of the Occupational Safety and Health Act of 1979 (Public Law 91-596) provides that "No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

This letter is not a citation, nor is it a notification of proposed penalty, which according to the OSHA Act may only be issued after an inspection or investigation of the workplace. If we do not receive a response from you within 10 calendar days indicating that appropriate action has been taken, an inspection will be conducted.

In addition, OSHA's policy is to randomly follow up with an inspection in a sampling of cases in which we receive letters of satisfactory abatement action from an employer. Finally, any action taken by you in this matter cannot remove your workplace from the possibility of an unannounced inspection by duly authorized representatives of OSHA.

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If you have any questions concerning this matter, please contact our office. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

R. Davis Layne

R. Davis Layne
Area Director

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