U.S. Department of Labor

Occupational Safety and Health Administration
2320 LaBranch - Room 2118
Houston, Texas 77004
Reply to the Attention of:

August 11, 1982

PLAINTIFF'S EXHIBIT UC-1207

Mr. Walker Horn, Supervisor
Off-Plant Disposal Area
Union Carbide
3301 5th Ave., South
Texas City, TX 77590

Re: C-4523

Dear Mr. Horn:

On July 2, 1982, the Occupational Safety and Health Administration (OSHA) received a complaint concerning health hazards at your worksite at OPDA, Union Carbide. The specific nature of the complaint involves employee(s) being exposed to chemical vapors from the disposal pits. Reference OSHA Air Contaminant Standard 29 CFR 1910.1000 copy enclosed. If feasible administrative and/or engineering controls can not be implemented to reduce employee(s) exposure(s), effective respiratory protection shall be provided and used by employee(s). A copy of OSHA's Respiratory Protection Standard 29 CFR 1910.134 is also being enclosed.

We have not determined whether the 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 investigate the alleged condition(s) and make any necessary corrections or modifications. Within 30 calendar days of your 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 correct any hazards. You should enclose any supporting documentation on the action you have taken, such as monitoring results, new equipment, orders and the like, as well as photograph(s) of the corrected condition.

The complainant has been advised of this preliminary response to the complaint and furnished a copy of this letter. Section 11(c) of the Occupational Safety and Health Act of 1970 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 be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 30 calendar days indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

In addition, OSHA's policy is to select for inspection a random sample of cases where we have received letters in which employers have indicated satisfactory corrective action to assure that the employer has actually taken

UCTC 21205

the action asserted in his letter. Finally, any action taken by you in this matter will not automatically remove your workplace from the possibility of an unannounced inspection by duly authorized representatives of OSHA in accordance with routine scheduling procedures currently in effect.

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by all of your employees.

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,

Gerald A. Baty
Area Director

Enclosures

UCTC 21206