PLAINTIFF'S EXHIBIT
DC-1235

UNION CARBIDE

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC.

SOLVENTS & COATINGS MATERIALS DIVISION

December 8, 1995

Raymond L. Skinner
Occupational Safety and Health Administration
Houston South Area Office
17625 El Camino Real, Suite 400
Houston, Texas 77058

SUBJECT: OSHA Notification of Alleged Hazard(s) - Complaint No. 79211454

Pursuant to the telephone notification we have received from Mr. Chuck Williams at 10:00 AM on December 6,1995, the area in the complaint, Building 62, was inspected by two Union Carbide competent persons, Richard LaCour and Earl Vicnair, and Perihan Yalcinkaya, a certified industrial hygienist. During the course of investigation, the four items identified as alleged hazards in your letter were addressed through a walk-through inspection of the site, review of existing data, collection of additional data, interview of four employees working in the area, and an interview of the supervisor of the asbestos abatement contractor, Certified Abatement Systems Inc.

The entry points to the ACM work area were clearly marked with the required signs. Our review of contractor's personnel data as well as the area testing conducted at the Union Carbide personnel's work area in Building 62 revealed that the levels were below the current 30-minute and 8-hr OSHA permissible exposure limits. Bulk samples taken earlier during the week as well as eight additional samples taken during our investigation showed no fibers with the exception of one sample that had detected fibers in the mens room in the earlier part of the week. The mens room had been immediately marked with the required asbestos signs, closed to service, and cleaned up.

Results of our investigation were communicated to Mr. Williams at 3:30PM on December 6, 1995. Please advise us at (409) 948-5123 if additional information is required.

Sincerely,

A. Perihan Yalçınkaya

Perihan Yalcinkaya

UCTC 21288

P.O. BOX 471, TEXAS CITY, TEXAS 77592-0471

CERTIFICATE OF POSTING
OSHA NOTIFICATION OF ALLEGED HAZARD(S)

Complaint Nr: 79211454

Date of Posting: December 8, 1995

Date Copy Given to
an Employee Representative: December 8, 1995

On behalf of the employer, I certify that a copy of the complaint letter received from the Occupational Safety and Health Administration (OSHA) has been posted in a conspicuous place, where all affected employees will have notice, or near such location where the violation occurred, and such notice has been given to each authorized representative of affective employees, if any. This notice was or will be posted for a minimum of ten (10) working days or until any hazardous conditions found are corrected.

A Perihan Yalcinkaya
Signature

Health, Safety & Environmental Dept. Representative
Title

UCTC 21289

Union Carbide trial exhibit UC-1235: Perihan Yalcinkaya to OSHA (R. L. Skinner) Responding to Asbestos Complai... Published by AsbestosClaims.Law
ACL Doc 16401 · Page 2 of 5 asbestosclaims.law/library/16401/2

U.S. Department of Labor

Occupational Safety and Health Administration
Houston South Area Office
17625 El Camino Real, Suite 400
Houston, TX 77058
(713) 286-0583 FAX: (713) 286-6352
Reply to the Attention of:

Union Carbide Corporation
3301 5th Avenue
Texas City, TX 77590

Re: Union Carbide Corporation
Complaint No. 79211454

Dear Sirs:

On 12/06/95, the Occupational Safety and Health Administration (OSHA) received a notice of (safety and/or health) hazards at your worksite at:

3301 5th Avenue
Texas City, TX 77590

We notified you, by telephone, of these alleged hazards on December 6, 1995.

The specific nature of the alleged hazards is as follows:

1. Employees are allowed to work in areas where ACM is present without their knowledge
2. ACM areas are not demarcated
3. ACM areas are not posted to warn employees of asbestos hazard
4. ACM is falling on workers in the area

UCTC 21290

We have not determined whether the hazards, as alleged, exist at your workplace; and we do not intend to conduct an inspection at this time. However, since allegations of violations and/or hazards have been made, we request that you immediately investigate the alleged conditions and make any necessary corrections or modifications. Please advise me in writing or by fax, no later than December 14, 1995 of the results of your investigation. You must provide supporting documentation of your findings, including any applicable measurements or monitoring results, and photographs/video which you believe would be helpful, as well as a description of any corrective action you have taken or are in the process of taking, including of the corrected condition.

This letter is not a citation or a notification of proposed penalty which, according to the OSH Act, may be issued only after an inspection or investigation of the workplace. It is our goal to assure that hazards are promptly identified and eliminated. Please take immediate corrective

action where needed. We encourage employee participation in investigating and responding to any alleged hazard. **If we do not receive a response from you by December 14, 1995 indicating that appropriate action has been taken or that no hazard exists and why, an OSHA inspection will be conducted.** An inspection may include a review of the following: injury and illness records, hazard communication, personal protective equipment, emergency action or response, bloodborne pathogens, confined space entry, lockout and related safety and health issues.

Please note, however, that OSHA selects for inspection some cases where we have received letters in which employees have indicated satisfactory corrective action. This is to ensure that employers have actually taken the action stated in their letters.

The State of Texas offers OSHA consultation services, without charge, to assist in resolving all occupational safety and health issues. The variety of services available or the scheduling of those services may be limited by the consultation project's requirement to give priority to small businesses in high hazard industries and by its backlog. However, you may be able to obtain similar services from your insurance carrier or private consultant in a more timely fashion. To discuss or request the services, call or write your consultation project at the following address:

Texas Worker's Compensation Commission
Workers' Health and Safety Division
4000 S IH 35
Austin, Texas 78704-7491
(512) 453-8230

or

Call 1-800-RELAY TX, then ask agent to call the number you wish to reach:

Beaumont, Texas (409) 838-8400
Galveston, Texas (409) 744-5773
Houston, Texas (713) 880-0206 Ext. 4015

You are requested to post a copy of this letter where it will be readily accessible for review by all of your employees and return a copy of the signed Certificate of Posting (Attachment A) to this office along with your response. Also, you are requested to provide a copy of this letter and your response to it to a representative of any recognized employee union of safety committee if these are at your facility. Failure to do this may result in an on-site inspection. The complainant has been furnished a copy of this letter and will be advised of your response. Section 11(c) of the OSH Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity.

Union Carbide trial exhibit UC-1235: Perihan Yalcinkaya to OSHA (R. L. Skinner) Responding to Asbestos Complai... Published by AsbestosClaims.Law
ACL Doc 16401 · Page 4 of 5 asbestosclaims.law/library/16401/4

If you have any questions concerning this matter, please contact the Area Office at the address in the letterhead. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

for Charles E. Williams

RAYMOND L. SKINNER
Area Director

Attachment A

UCTC 21292

Union Carbide trial exhibit UC-1235: Perihan Yalcinkaya to OSHA (R. L. Skinner) Responding to Asbestos Complai... Published by AsbestosClaims.Law
ACL Doc 16401 · Page 5 of 5 **asbestosclaims.law/library/16401/5**