

U. S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
611 East 6th Street, Room 303
Austin, TX 78701
(512) 482-5783

CERTIFIED

10/27/92

REF: 73706111

VISTA CHEMICAL COMPANY
12024 VISTA PARK DRIVE
AUSTIN, TX 78726

ATTN: FRED SLVIK

The Occupational Safety and Health Administration (OSHA) received a notice of (safety and/or health) hazards at your worksite at:

12024 VISTA PARK DRIVE
AUSTIN, TX 78726

The specific nature of the alleged hazards is as follows:

Complaint 1: Emergency response team members did not receive annual refresher course for last three years. This may be in violation of standard:

29 CFR 1910.120(e)(8): Employees specified in 1910.120(e)(1), and/or managers and supervisors specified in 1910.120(e)(4), did not receive eight hours of refresher training annually on the items specified in 29 CFR 1910.120(e)(1) and/or (e)(4).

Complaint 2: Hazardous waste workers did not receive training for TSD. This may be in violation of standard:

29 CFR 1910.120(e)(1)(i): Employees working on site who were exposed to hazardous substances, health hazards, or safety hazards and/or their supervisors and management responsible for the site did not receive training meeting the requirements of this paragraph before they were permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards.

Initial hrs
ref'd after 3/87

- ① When was Micho assigned to the duties?
- ② Did he receive 40 hrs. of initial training + 3 days on-the-job
- ③ Who is on EMT

(3)

Complaint 3: Employer did not provide medical surveillance for emergency response team and hazardous waste workers. This may be in violation of standard:

29 CFR 1910.120(f)(2)(i): A medical surveillance program was not instituted by the employer for employee(s) who were or could be exposed to hazardous exposure limits or, where there were no permissible exposure limits, above the published exposure levels for these substances, without regard to the use of respirators, for 30 days or more per year.

Complaint 4: Employer did not provide an exit physical for terminating employees. This may be in violation of standard:

29 CFR 1910.120(f)(3)(C): Medical examinations and consultations were not made available by the employer to each employee covered under 29 CFR 1910.120(f)(2)(i), (ii), and (iv) at termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months.

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 have been made, you are requested to investigate the alleged conditions and make any necessary corrections or modifications. Within 30 days of your receipt of this letter, please advise me in writing of the results of your investigation. Please provide any supporting documentation of your findings, including any applicable measurements or monitoring results, and photographs 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 photographs of the corrected condition.

The complainant involved has been advised of this preliminary response to the complaint of hazards and has been 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 or a notification of proposed penalty which, according to the OSH 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 or less indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted. 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.

(4)

Please note, however, that OSHA selects for inspection a random sample of cases where we have received letters in which employees have indicated satisfactory corrective action. This policy has been established to ensure that employers have actually taken the action asserted in their letters. 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.

In addition to its function of inspecting workplaces, the OSHA Area Offices has been expanded to become full service resource center, offering a wide range of safety and health related services in response to the needs of the working public, both employers and employees. These services include training and education, consultation, voluntary compliance programs and assistance in correcting hazards. Attached is a copy of a Fact Sheet No. OSHA-92-04 about OSHA CONSULTATION. The phone number for the consultation service in the State of Texas is:

(512) 440-3809.

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,


NICKIE L. NICHOLAS
Area Director

Attachment 92-04

JAG/cm