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FOSECO, INC.

P. O. BOX 8728 • CLEVELAND, OHIO 44135

FOSECO

February 19, 1974

Kenneth Bowman, Area Director
Occupational Safety and Health Administration
U.S. Department of Labor
1240 East Ninth Street, Room 847
Cleveland, Ohio 44109

Re: OSHA # K-3284 46 74

Dear Mr. Bowman:

I am writing regarding our non-serious violations Citation # 1 Items numbered 1 and 2.

Item # 1

I respectfully request a 60 day extension of the date by which this violation must be corrected for the following reasons:

After receiving this violation, we began a search for the best method by which to accomplish the examinations required by the Act. Consultation with our Company doctor revealed that he had neither the equipment on hand nor the specialization he felt was required. At his suggestion we contacted State and Federal health services and the State Industrial Commission, all to no avail. We next contacted companies in the area who we felt might be in similar positions and of some assistance. The third company contacted advised us of Dr. David G. Gillespie, Chief of Pulmonary Disease at the Cleveland Metropolitan General Hospital. Simultaneously our Company physician recommended Dr. Gillespie as being an expert in the area of specialty required by the examinations.

In addition to Dr. Gillespie's medical and administrative responsibilities, he has a heavy teaching schedule. I began calling him on Jan. 28, 1974 and it was not until Feb. 7, 1974 that I was able to converse with Dr. Gillespie on the phone.



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Dr. Gillespie is aware of the examination requirements in the Act, is competent and capable of performing the examinations for our employees at Cleveland Metropolitan General Hospital. He has agreed to do so and will begin as soon as he is able. Two unexpected and uncontrollable events have occured which form the basis of my request for an extension:
1. Metropolitan General Hospital roentgenologist with whom Dr. Gillespie has worked for a number of years resigned suddenly and his replacement caused some delay.
2. Dr. Gillespie's technician had to be hospital confined, disrupting the regular routine and making the commencement of new commitments temporarily impossible.

Dr. Gillespie assured me today by telephone that we would be able to begin the examinations of our people within the next two weeks. Conscientious and complete compliance involving over 30 employees will, therefore, not be completed within the present deadline of Feb. 22, 1974.

Item # 2

As of this date, we have 100% use of applicable and suitable respirators on the 07 and 08 pulping platforms. We have published the enclosed respiratory protective program which is in force and effect at this time. We respectfully submit that we are in compliance with 29 CFR 11910.134(a)(2) and (3).

Very truly yours,

David B. Woodbury
Industrial Relations Manager

cc: M.S. Wood, Plant Manager
Dr. David G. Gillespie

DBW/b

U. S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
CLEVELAND AREA OFFICE – REGION V
1240 EAST 9TH STREET, ROOM 847
CLEVELAND, OHIO 44199

February 22, 1974

Mr. David B. Woodbury
Industrial Relations Manager
Foseco, Inc.
P. O. Box 8728
Cleveland, Ohio 44135

Dear Mr. Woodbury:

I received your letter of February 19 pertaining to a progress report on the Citation issued your company January 15, 1974, under the provisions of the Williams-Steiger Occupational Safety and Health Act of 1970. Thank you for the report.

Regarding your request for an extension of time on Item No. 1, I do not have the authority to amend this Citation because the fifteen working-day-period since the Citation was received by your company has expired.

Your letter must be considered as a "petition for modification" and has been referred to the Occupational Safety and Health Review Commission, Washington, D. C. They have the authority to grant your request. I have recommended to them that it be granted.

Sincerely yours,

WALTER FEDYK
Acting Area Director
Occupational Safety and
Health Administration

WF:edt

PLAINTIFF'S EXHIBIT
FOS 485

FOS-00-0000002190