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xc to Ann Braun

March 30, 1973

PLAINTIFF'S EXHIBIT
GP-2161

Mr. Chester C. Whiteside
Acting Area Director
U.S. Department of Labor
Occupational Safety and Health Administration
203 Midtown Plaza
700 E. Water Street
Syracuse, New York 13210

Subject: Citation for Alleged Occupational Safety and Health Violations
CSHO Number - B-1746 Osha - 1 Number - 20
Area - 6010 Region- 2

Dear Mr. Whiteside:

This is in reply to your citation cover letter and the 13 citations dated March 21, 1973. Please be advised that these two documents were received at this office on March 23, 1973. Copies of the citations were posted in a conspicious place at or near each place of violation referred to as required.

Since these citations were received just one week ago today, we have found it necessary to request an extension on some of these items in order to make the proper corrections.

At this time we would enter the following progress report:

Item No. 1

"Failure of employer to mark an exit with a readily visible sign." To be corrected by April 20, 1973.

This citation covers our Building 230, the laboratory and office areas. This is to advise that approved exit signs are on order. At this writing we can see no reason that this alleged violation cannot be satisfactorily corrected by the time indicated on the citation.

Item No. 2

"Failure to provide a sign indicating the direction of travel to reach the nearest exit where the direction of travel is not immediately apparent." to be corrected by April 20, 1973.

This citation covers two areas in our Wallboard Manufacturing Building, the South passage way at the wet end of the machine and a passage way at the machine take-off area. This is to advise that approved exit signs with direction of travel indicated are on order. At this writing we can see no reason that this alleged violation cannto be satisfactorily corrected by the time indicated on the citation.

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Item No. 3

"Failure of employer to maintain all places of employment clean orderly and in a sanitary contition." to be corrected by March 30, 1973.

IYV

This citation covers two areas in our Building 230; near our one gallon Ready Mix Machine and under our two steel adhesive storage tanks. This citation also covers the wet-end mexing platform in the wallboard manufacturing area. This is to advise that the two alleged Violations in Building 230 have been partially corrected. The area around the One Gallon Ready Mix machine has been cleaned up, but we feel that a part of the problem in teh area is due to a roof leak where two buildings join together. We will have to do extensive roof repair work to make a satisfactory correction to this alleged violation. In the meantime we have cleaned up the area, but regular rains make it impossible to keep the area in proper shape all of the time. Since the proper repairs will require removal of the old roofing and flashing, we feel that we must wait until the spring rains are past before starting the project. Under these conditions we are requesting a 90 day extension from the March 30, 1973 date applied to this citation. This would allow starting the repair project sometime in early June 1973 and have time to complete the work before the 90 day period ends. The area under the two steel adhesive storage tanks have been cleaned up in any area where employees might travel. In the next 60 days we plan a change in our plant layout that would remove these two storage tanks from the building. At that time we can complete the cleanup in the areas directly under the tanks. This is an air drying adhesive and has hardened so that removal from the floor with the tanks in place is nearly impossible. The 90 day extension on this item is requested also. The part of the citation covering the Wet-end mixing platform in the Wallboard manufacturing area has been requested as specified, the requested extension would not apply to this part of the citation.

Item No. 4

"Failure to provide exit sign suitably illuminated by a reliable light source giving a value of not less than 5 foot-candles on the illuminated surface." to be corrected by April 20, 1973.

IYV

This citation covers three areas; the S/E. corner near the 5 gallon Ready Mix machine, the S. W. corner in the Joint System warehouse area, and the Board Plant Manufacturing area, pre-heater exit area. This is to advise that illuminated exit signs have been ordered and received. They will be installed and the alleged violations corrected by the time indicated on the citation.

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Item No. 5

"Failure of employer to provide every required sign designating an exit or way of exit access so located as to be readily visible." to be corrected by April 20, 1973.

IYV

This citation covers a damaged exit sign in the S.W. corner of our Building 230. This alleged violation has already been cleared by proper repairs.

Item No. 6

"Failure to shut off power on an un-attended industrial truck. Example: Yale #21." to be corrected by March 30, 1973.

IYV

This citation covers operation of an industrial truck in our Building 230 near the bag packing area. This is to advise that we have reinstructed the operator regarding proper operation and have discussed the problem with one of the Local Union officers so the problem can be discussed at their next general meeting. We feel that this alleged violation should be considered corrected in the time specified in the citation. This item is recorded as having a proposed penalty of $70.00. Our Eastern Division Safety Supervisor and our Company Safety Director in Portland, Oregan indicate that the Review Commission decision of several similar cases ruled in October of 1972 that an industrial lift truck in considered attended if the brake is set, the forks are lowered, and the operator is no more than 50 feet away and in unobstructed sight of the truck at all times. On this basis I would request a review of this proposed $70.00 penalty. I am advised that our truck operator met all of the above requirements to meet with the revised regulations.

Item No. 7

"Failure to provide a standard railing or equivalent on all sided floor more than four feet above adjacent floor or ground level." Example: Wet end mixing platform, East and West sides. To be corrected by March 30, 1973.

IYV

This citation covers the platform around our bag packer in Building 230 and the Wallboard manufacturing wet end mixing platform, East and West sides. This is to advise that corrections are in progress at this time. However, due to the short period of time between receiving the notice of alleged violation and required correction date I must request a 30 day extension.

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Item No. 8.

"Failure to store ladders in such a manner as to provide ease of access or inspection and to prevent danger of accident when withdrawing ladder for use." to be corrected by March 30, 1973.

IYV This citation covers the areas of the N.E. corner of the Warehouse in Building 230; the take-off area around the quality control work area of the Wallboard Manufacturing Machine; and in the boiler pre heater area, east side. This is to advise that all of these alleged violations have been corrected before the manditory date of March 30, 1973.

Item No.9

"Failure to provide a standard railing and toe board around an open sided floor above or adjacent to a hazardous location, approximately 4 feet deep and 50 feet long." to be corrected by March 30, 1973.

IYV This citation covers our truck loading dock in the N.W. corner of the Warehouse in Building 230. We are not taking exception with this alleged violation but we are requesting an extendion of time for clarification purposes. If we follow the Standard as outlined we would find our truck loading dock unusable. At this time we are investigating an alternate protective method that would meet the Standars requirements and at the same time not impose an impossible loading operation. On this basis we request a 90 day extension.

Item No. 10

"Failure of employer where fire extingusher is obscured from view to provide means to indicate the location and intended use of fire extinguishers conspicuously." to be corrected by March 30, 1973.

IYV This citation concerns the S.E. corner of the warehouse area of building 230, near the exit sign. This is to advise that this alleged Violation was corrected before the specified date of March 30, 1973.

Item No. 11

"Failure to maintain a clearance of at least 18 inches between sprinkler deflector and top of storage so as not to obstruct the distribution of water. Example: Stored Zealex 23A, Jim Huber Corp." to be corrected by March 30, 1973.

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Ivy

This citation covers the Warehouse area of our Building 230. This is to advise that this alleged violation was corrected before the specified date of March 30, 1973.

Item No. 12

"Failure to keep aisles and passageways clear and in good repair, with no obstruction across or in aisle that could create a hazard. Example: Paper roll crossing aisle at approximately 5' 6" above floor level." to be corrected by March 30, 1973.

This citation covers the Wallboard mixing area. The height of the grayback paper guide rolls have been extended and will be used when the machine is started back in operation. This correction was made while the machine was in operation, but as we operate 24 hours per day we cannot thread the paper through the raised guide until we reach a shutdown period. We will shutdown operations at 7:00 A.M. on March 31, 1973. When we resume operations on Monday April 2, 1973 the condition can be considered corrected. This citation also covers a hand cart of block left in the upstairs aisle. This alleged violation was corrected before the specified date of March 30, 1973.

Item No 13.

"Failure of employer to provide an exit door of substantial, reliable construction which will be built in a workmanlike Manner." to be corrected by March 30, 1973.

This citation covers the exit door in the Wallboard kiln pre-heater area. This is to advise that a workable latch has been installed on this door and this alleged violation may be considered as corrected.

I hope the requested extension times requested above will be given your consideration.

Very truly yours,

J D Rauch

Mr. J. D. Rauch
Plant Manager

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