PLAINTIFF'S EXHIBIT
WRG-17:29

MINNESOTA DEPARTMENT OF LABOR AND ISTRY
Occupational Safety and Health Division

444 Lafayette Road
St. Paul, Mn. 55101

*Bern REGION

78

15147866

TO: Mr. Don Nyrold, Plant Manager
2. Construction Prod. Div. (Zonolite)
W. R. Grace Company
1720 Madison Street N. E.
Minneapolis, MN 55413

*SEND PROGRESS REPORTS TO:

DEPARTMENT OF LABOR AND INDUSTRY
OCCUPATIONAL SAFETY AND HEALTH DIVISION
444 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55101

Subject: Citation(s) for Alleged Occupational Safety and Health Violation(s)

An inspection of a place of employment under your operation, ownership or control has revealed conditions which we believe do not comply with the provisions of the Minnesota Occupational Safety and Health Act of 1973. The nature of such alleged violation(s) is described in the enclosed citation(s) with reference to applicable standards, rules, regulations and provisions of the said Act. These conditions must be corrected on or before the date shown on the right of each alleged violation therein. Also, you are hereby notified whether or not penalty(ies) are proposed as a result of the cited violation(s).

The Act requires that a copy of the enclosed citation(s) and proposed penalty(ies) be prominently posted at or near each place a violation referred to in the citation occurred. It must be posted immediately upon receipt and must remain posted until all violations cited therein are corrected, or for 15 days, whichever period is longer. A sufficient number of copies of the attached citation(s) and proposed penalty(ies) should be prepared to permit posting in accordance with the requirements of the Act. The Act provides for penalties for violation of the posting requirements.

You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies) or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citation(s) or proposed penalty(ies). If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days** after receipt of this certified mail notice. If you choose not to contest the citation and proposed penalty(ies), they shall be deemed to be a final order of the Review Board and not subject to review by any court or agency.

If you require clarification concerning any results of the inspection (abatement dates, citations, penalties, etc.) please direct your correspondence to the Director of the Occupational Safety and Health Division. A request for such clarification cannot extend the 15 working day period allowed for filing a notice of contestation.

If an employer contests the citation, the abatement period specified therein does not begin to run until the date of the Board's final order in the case PROVIDED the employer initiated his contest in good faith and not solely for delay or avoidance of penalties.

An employee or representative of employees may file a notice (letter) to contest the citation(s), the type of alleged violation(s), the proposed penalty(ies), or the reasonableness of the time stated in the citation(s) for the abatement of the alleged violation(s).

Alleged violations that are not contested shall be corrected within the abatement period specified in the citation. A follow-up inspection may be made for the purpose of ascertaining that the employer has posted the citation(s) as required by the Act and corrected the alleged violations. Failure to correct an alleged violation within the abatement period may result in further proposed penalties for each day the alleged violation has not been corrected.

Correction of alleged violations which have an abatement period of 30 days or less shall be reported in writing to the Director no later than the latest abatement date (of 30 days or less) for all such violations. Reports of corrections should show specific corrective action on each such alleged violation and the date of such action. On alleged violations having an abatement date of more than 30 days, a written progress report shall be submitted each 30 days. The progress report should detail what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, the Director shall be so advised.

The Act provides that whoever knowlingly gives false information is subject to a fine up to $10,000, imprisonment up to 6 months, or both.

If you wish additional information, you may direct such request to the undersigned at the address listed above or the Area Office listed in the upper right-hand corner of this cover letter.

*Progress reports are to be sent to the Area Office listed in the upper right-hand corner of this cover letter.

**Under the Minnesota Occupational Safety and Health Act of 1973, the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays, or State Holidays as defined in Minnesota Statutes Sec. 645.44.

3. Citation(s) Enclosed

Quantity		Pages
	Nonserious	
1	Serious	1
	Willful and/or Repeated	

4. Notification of Proposed Penalty enclosed
☒ Yes ☐ No

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
Occupational Safety and Health Division

By Director
5.

Date July 14, 19 78

1/7

[redacted]

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
Occupational Safety and Health Division

OSHI	OSHD No.	EV
*Bern	009	78

REGION

CITATION

1. Deputy Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

TO: 2. Mr. Don Nyvold, Plant Manager
Construction Products Division
W.R. Grace Company
1720 Madison Street N.E.
Minneapolis, Minnesota 55413

3. Citation Number 1

4. Page 1 of 5. 2

15147868

TYPE OF ALLEGED VIOLATION(S): Serious

An inspection was made on 7. February 15 and May 4, 1978 of a place of employment located at: 8. 1720 Madison Street N.E., Minneapolis and described as follows: 9. Manufacture and distribute insulation products

On the basis of the inspection it is alleged that you have violated the Minnesota Occupational Safety and Health Act of 1973 in the following respects:

10. Item number	11. Standard, regulation or section of the Act allegedly violated	12. Description of alleged violation	13. Date by which alleged violation must be corrected
1	1910.1001(g)(2)	Caution labels were not affixed to all raw materials, mixtures, scrap, waste, debris, or other products containing asbestos fibers, or to their containers, which during any reasonably forseeable use, handling, storage, disposal, processing, or transportation could release airborne concentrations of asbestos fibers exceeding prescribed exposure limits. Bags of Zonolite, Monokote, and other exfoliated ore products did not have a label which reads: CAUTION CONTAINS ASBESTOS FIBERS AVOID CREATING DUST BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM Such a label shall be printed in letters of sufficent size and contrast as to be readily visible and legible.	9/21/78

The law requires that a copy of this citation shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations cited therein are corrected, or for 15 days, whichever period is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days* of the issuance of this citation.

"No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Section 5, subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

*Under the Minnesota Occupational Safety and Health Act, the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or Federal Holidays.

14. Director's Signature [signature] Issuance Date July 14, 1978.

(NOTICE: Additional Important Information on Reverse Side)

OSHD 2 (8-75)

MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY
Occupational Safety and Health Division

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REGION		

CITATION

1. Deputy Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

TO: Mr. Don Nyvold, Plant Manager
2. Construction Products Division
W.R. Grace Company
1720 Madison Street N.E.
Minneapolis, Minnesota 55413

3. Citation Number 1

4. Page 2 of 5. 2

15147869

TYPE OF ALLEGED VIOLATION(S): Serious

An inspection was made on 7. February 15 and May 4, 1978 of a place of employment located at: 8. 1720 Madison Street N.E., Minneapolis and described as follows: 9. Manufacture and distribute insulation products.

On the basis of the inspection it is alleged that you have violated the Minnesota Occupational Safety and Health Act of 1973 in the following respects:

10. Item number	11. Standard, regulation or section of the Act allegedly violated	12. Description of alleged violation	13. Date by which alleged violation must be corrected
2	1910.1001(g)(1)	Asbestos caution signs were not provided and displayed at all locations where airborne levels of asbestos fibers may be in excess of prescribed limits. The Zonolite bagging floor and Monokote bagging floor had no caution signs.	8/16/78
3	1910.1001(h)(2)	Asbestos waste, scrap, or debris consigned for disposal, which may produce airborne levels of asbestos fibers in excess of prescribed limits was not collected and disposed of in sealed impermeable bags or other closed, impermeable containers. Specifically the clinker wheelbarrow is dumped into a pile outside the building and must be collected in sealed impermeable bags or other closed containers.	9/21/78

The law requires that a copy of this citation shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations cited therein are corrected, or for 15 days, whichever period is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who wishes to contest the citations, the type of violation or the proposed penalty, or who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest any or all of these matters by submitting a letter to the Deputy Commissioner of the Department of Labor and Industry at the address shown above within 15 working days* of the issuance of this citation.

"No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Section 5, subd. 9 of the Minnesota Occupational Safety and Health Act of 1973.

*Under the Minnesota Occupational Safety and Health Act, the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays or Federal Holidays.

14. Director's Signature [signature] Issuance Date July 14, 1978

(NOTICE: Additional Important Information on Reverse Side)

Form OSHD-2 (8 75)

MINNESOTA DEPARTMENT OF LABOR AND IN
Occupational Safety and Health Division

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REGION

1.

Deputy Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

TO: 2. Mr. Don Nyrold, Plant Manager
Construction Prod. Div. (Zonolite)
W. R. Grace Company
1720 Madison Street N. E.
Minneapolis, MN 55413

3. Date July 13, 1978

4. Page 1 of 1

15147867

NOTIFICATION OF PROPOSED PENALTY

You are hereby notified of the proposed penalties for citations of violations as indicated below. You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies) or both before the Occupational Safety and Health Review Board. The Review Board is an independent quasi-judicial agency with authority to issue decisions regarding citation(s) and proposed penalty(ies). If you wish to contest, you must submit a letter to the Deputy Commissioner at the address shown above within 15 working days* after receipt of the certified mail notice regarding proposed penalty(ies). If you choose not to contest the citation and penalty(ies) as proposed, they shall be deemed to be a final order of the Review Board and shall not be subject to review by any court or agency.

Payment of all penalties shown is to be made by check or money order payable to the order of "Minnesota Department of Labor and Industry". Payment of penalties should be remitted to the Commissioner at the address shown above.

(M.S. § 182.666), subdivision 7 of the Act states: "Fines imposed under this act shall be paid to the Commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the Commissioner has an office."

The law requires that a copy of this proposed penalty shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred. The proposed penalty must remain posted until all alleged violations cited therein are corrected, or for 15 days, whichever period is longer.

5. On the 14 day of July, 1978, a citation(s) was issued to you in accordance with the provisions of (M.S. § 182.658) of the Minnesota Occupational Safety and Health Act of 1973 hereinafter referred to as the Act. You were thus notified of certain alleged violations of the Act, as specified in the citation(s).

YOU ARE HEREBY NOTIFIED that pursuant to the provisions of (M.S. § 182.661), subdivision 1 of the Act, the penalty(ies) set forth below is are being proposed, based on the citation(s).

6. SERIOUS VIOLATIONS

6a. Citation No.	6b. Item No.	6c. Proposed Penalty
1	1	$60.00
1	2	$60.00
1	3	$60.00

7. _____ VIOLATIONS

7a. Citation No.	7b. Item No.	7c. Proposed Penalty

8. Total Proposed Penalty for All Alleged Violations $ 180.00

Deputy Commissioner [signature] Date 7-14 1978

OSHD 3
11761