PLAINTIFF'S EXHIBIT

MAR-77

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

1. Federal Office Building - Room 734
234 Summit Street
Toledo, Ohio 43604

CERTIFIED NUMBER 330640
RETURN RECEIPT REQUESTED

OSHA NO		
G-3959	102	75
AREA	REGION	
8120	5	

RECEIVED
MAY 12 ..
Wayne E. Knight

TO:
2. Mr. Wayne Knight, Director of Friction Prod.
Maremont Corporation
700 West Caroline Street
Paulding, Ohio 45879

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

An inspection of a place of employment has revealed conditions which we believe do not comply with the provisions of the Occupational Safety and Health Act of 1970, (29 U.S.C. 651 *et seq.*). The nature of such alleged violation(s) is described in the enclosed citation(s) with references to applicable standards, rules, regulations and provisions of the said Act. These conditions must be corrected on or before the date shown to the right of each alleged violation therein.

The Act requires that a copy of the enclosed citation(s) be prominently posted "in a conspicuous place upon receipt" at or near each place a violation referred to in the citation occurred. It must remain posted until all violations cited therein are corrected, or for 3 working days*, whichever period is longer. A sufficient number of copies of the attached citation(s) 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 are hereby notified, or will soon be notified, whether or not penalty(ies) will be proposed as a result of the cited violation(s). You have the right to contest any or all parts of either the citation(s) or the proposed penalty(ies) before the Occupational Safety and Health Review Commission. The Review Commission is an independent agency with authority to issue decisions regarding citation(s) and proposed penalty(ies). If you do contest, you should submit a letter to the Area Director at the address shown above within 15 working days* after receipt of the certified mail notice regarding proposed penalty(ies). If you fail to contest within the 15 working day period, the citation(s) and the penalty(ies) as proposed, shall be deemed to be a final order of the Review Commission and not subject to review by any court or agency.

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

You have a right to request a discussion with the Area Director concerning any results of the inspection (abatement dates, citations, penalties, etc.). Please direct correspondence to, or call, the Area Director at the address shown at the top of this letter. A request for an informal discussion cannot extend the 15 working day period allowed for filing a notice of contest. Therefore, a request for an informal discussion should be brought to the attention of the Area Director prior to the end of the 15 working days allowed for filing a notice of contest, preferably as soon as possible.

An employee or representative of employees may file a notice (letter) to contest the reasonableness of the time stated in the citation 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 followup 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. Timely correction of an alleged violation does not affect the initial proposed penalty.

Correction of alleged violations which have an abatement period of 30 days or less should be reported in writing to the Area Director promptly upon correction. 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 should 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 Area Director should be so advised.

The Act provides that whoever knowingly 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 shown above.

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

3. Citation(s) Enclosed

Quantity		Pages
1	Nonserious	1
	Serious	
2	Willful and/or Repeated	1

Notification of Proposed Penalty enclosed
[X] Yes [ ] No

U.S. Department of Labor
by Area Director

5. Glen L. Butler
Glen L. Butler, CS
Date May 9, 19 77

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

CITATION

1. Federal Office Building - Room 734
234 Summit Street
Toledo, Ohio 43604

ISSUING NO.	[illegible]	[illegible]
C-3959	102	75
AREA	REGION	
8120	5	

TO: 2.
Maremont Corporation
700 West Caroline Street
Paulding, Ohio 45879

3. Citation Number 1

4. Page 1 of 5. 1

6.
TYPE OF ALLEGED VIOLATION(S): NON-SERIOUS

7.
An inspection was made on April 9, 1975 of a place of employment located at:
8. 700 West Caroline Street in Paulding, Ohio and described as follows:
9. Manufacturer of brake shoes and clutch faces.

On the basis of the inspection it is alleged that you have violated the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 *et seq.*, 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	29 CFR Section 1910.93a (d)(2)(ii)	A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in subdivision (iii) of this subparagraph was not provided for an employee exposed to asbestos fibers exceeding ten (10) times the ceiling value for asbestos fibers. (1) Block Department, end cut saw #2557	7-10-75

π 93

The law requires that a copy of this citation shall be prominently posted in a conspicuous place 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 3 working days*, whichever period is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the U.S. Department of Labor at the address shown above within 15 working days* of the issuance of this citation.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Sec. 11(c)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, 660(c)(1).

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

14.
Area Director's Signature [signature] Issuance Date May 9, 19 75.

Occupational Safety and Health Administration

1.
Federal Office Building - Room 734
234 Summit Street
Toledo, Ohio 43604

Case No.	102	75
AREA	REGION	
8120	5	

TO:
2. Mr. Wayne Knight, Director of Friction Prod.
Maremont Corporation
700 West Caroline Street
Paulding, Ohio 45879

3. Date May 9, 1975

THERE IS NO REQUIREMENT THAT THIS NOTIFICATION BE POSTED.

NOTIFICATION OF PROPOSED PENALTY

This notification and the penalty(ies) proposed by the Secretary of Labor shall be deemed to be the *final order* of the Occupational Safety and Health Review Commission *(an independent agency with authority to issue decisions respecting citations and proposed penalties)* and not subject to review by any court or agency unless, within 15 working days from the date of receipt of this notification, you submit a letter of contest. The letter of contest should be mailed or otherwise delivered to the Area Director named below at the address shown at the top of this notification. If no notice of contest is filed within the 15 working day period the proposed penalty(ies) becomes final and is immediately payable.

Payment of all penalties shown is to be made by check or money order payable to the order of "Occupational Safety and Health-Labor". Payment of penalties should be remitted to the Area Director at the address shown above.

Section 17(l) of the Act states: "Civil penalties owed under this Act shall be paid into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office."

4. On the 9 day of May, 1975, a citation(s) was issued to you in accordance with the provisions of Section 9(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1601; 29 U.S.C. 651, et seq.) hereinafter referred to as the Act. You were thus notified of certain alleged violations of the Act, as specified in that citation(s).

YOU ARE HEREBY NOTIFIED that pursuant to the provisions of Section 10(a) of the Act, the penalty(ies) set forth below is/ are being proposed, based on the citation(s).

5. Non-serious VIOLATIONS

5A. Citation No.	5B. Item No.	5C. Proposed Penalty
1	1	$400.00

6. Repeated VIOLATIONS

6A. Citation No.	6B. Item No.	6C. Proposed Penalty
2	1	$200.00

7. Total Proposed Penalty for All Alleged Violations $ 600.00

Area Director
8. Glenn R. Butler Date May 9,

The proposed penalty for Nonserious Violations of safety and health standards reflects a 50 percent adjustment factor for co. to be taken within the period prescribed in the citation. If a particular alleged violation is not corrected within this period, th adjustment will be added to such other penalty as may subsequently be proposed for failure to correct a violation within the a period. No abatement credit is allowed for violations of recordkeeping or posting requirements.