

U.S. Department of Labor

Occupational Safety and Health Administration



March 29, 1982

Reply to the Attention of:

Federal Building
Room 208
211 W. Ferguson
Tyler, TX 75702
214 595-2438

Mr. John C. Warner, Pres.
Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75710

**PLAINTIFF'S
EXHIBIT**

TPI-6

Dear Mr. Warner:

As of April 23, 1982, the Tyler Area Office will be closed. If you have any questions regarding your case file after April 16, 1982, please contact the office checked below.

✓ U. S. Department of Labor - OSHA
Dallas Area Office
Central Place, Suite 230
1425 W. Pioneer Drive
Irving, Texas 75061
214 767-5347

U. S. Department of Labor - OSHA
Houston Area Office
2320 LaBranch Street, Room 2118
Houston, TX 77004
713 226-5431

Sincerely,

C. R. HOLDER
Area Director

U.S. Department of Labor

Occupational Safety and Health Administration

1425 W. Pioneer Drive
Irving, Texas 75061

Reply to the Attention of: 60SHA



CERTIFIED

September 2, 1982

Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, Texas 75701

Attn: John C. Warner, President

Re: M8099-123

Dear Mr. Warner:

Your petition of March 26, 1982, requested an extension of abatement date for item 1B of Citation OTHER 1. Since no objection to this request was received by this office and in accordance with 29 CFR 1903.14a, you are advised that your request for additional time is granted modifying and extending the date of the above item to April 1, 1985.

This letter should be posted with the original citation and any amendments thereto until the abatement is complete.

Sincerely,


Charles M. Freeman
Acting Area Director

M 8099 - 12.3
Citation #

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Dallas Area Office
Central Place, Suite 230
1425 W. Pioneer Drive
Irving, Texas 75061

TYPE OF VIOLATION(S)	CITATION NO.
OTHER	1

Amend. Citation issued 8/6/81 is amended:

TO: Tyler Pipe Industries, Inc.
and its successors
P. O. Box 2027
Tyler, Texas 75701

Attn: John C. Warner, President

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

ISSUANCE DATE		OSHA NUMBER	
9/2/82		M8099	123
REGION		AREA	PAGE
06		1730	1 OF 1

INSPECTION DATE:

3/26-4/7/82

INSPECTION SITE:

Hyw 69 N
Tyler, Texas

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and Federal holidays) whichever is longer.

PENALTIES
ARE DUE
WITHIN 15
DAYS OF
RECEIPT
OF THIS
NOTIFICATION
UNLESS
CONTESTED
(See enclosed
Booklet)

This Section May
Be Detached
Before Posting

ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
	This amended citation and the attached original citation must remain posted until the amended violations have been corrected, or for three working days, whichever is longer. The employer has 15 days from the receipt of the amended citation to contest those portions of the original citation which have been amended. The contest period is not extended for the unamended portions of the original citation. B (Extension of abatement date)	4/1/85	

AREA DIRECTOR
J. A. WARREN

9/2/82

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed booklet outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

**TOTAL PENALTY
FOR THIS
CITATION**

Make check or Money
Order Payable To:
"OOL OSHA"
Indicate OSHA No.
on Remittance

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
208 Federal Building
Tyler, TX 75702

ISSUANCE 8/6/81	OSHA NUMBER M8099-123
REGION 6	AREA 7070
PAGE 1	OF 1

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CONTESTED
(See enclosed
Booklet)

This Section May
Be Detached
Before Posting

TYPE OF VIOLATION(S)	CITATION NO.
OTHER	1

Citation issued 6/3/81 is Amended

TO: Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75701

Attn: John C. Warner, President

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be filed in conjunction with this form.)

INSPECTION DATE:

3/26-4/7/81

INSPECTION SITE:

Hwy 69 N
Tyler, TX

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and Federal holidays) whichever is longer.

VIOLATION NUMBER STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED:	DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
B	(Abatement date modification, step 1)	12/3/81	

AREA DIRECTOR

BY: HOLDER

CR Holder

NO CHANGE IN PENALTY

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NOTICE TO EMPLOYEES - The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

TOTAL PENALTY
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Make check or Money
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"DOL OSHA"
Indicate OSHA No.
on Remittance

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION - The enclosed booklet outlines employer responsibilities and

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
208 Federal Building
Tyler, TX 75702

ISSUANCE 6/3/81		OSHA NUMBER M3099-123	
REGION 6	AREA 7070	PAGE 1	OF 2

TYPE OF VIOLATION(S)	CITATION NO.
OTHER	1

INSPECTION DATE:

3/26 - 4/7/81

INSPECTION SITE:

Rwy 69 N
Tyler, TX

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and Federal holidays) whichever is longer.

PENALTIES ARE DUE WITHIN 15 DAYS OF RECEIPT OF THIS NOTIFICATION UNLESS CONTESTED (See enclosed Booklet)

This Section May Be Detached Before Posting

TO: Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75710

Attn: Mr. John C. Warner, President

Citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

NUMBER BOARD, REGULATION OR SECTION OF THE ACT VIOLATED:	DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
	Violations described in this citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated in the description given below.		
1910.1000(c):	Employee(s) were exposed to material(s) in excess of the 8-hour time weighted average limit(s) listed for that material(s) in Table Z-3 of subpart Z of 29 CFR part 1910:	11/03/81	
a.	Employee exposed to dust containing crystalline silica while operating the sand slinger on the "234" pipe mold line in the north plant on April 7, 1981.		
b.	Employee exposed to dust containing crystalline silica while operating the sand slinger on the "456" pipe mold line in the north plant on May 6, 1981.		
29 CFR 1910.1000(e):	Feasible administrative or engineering controls not determined and implemented to reduce employee exposure(s):	Step 1 08/03/81	
a.	Employee exposed to dust containing crystalline silica while operating the sand slinger on the "234" pipe mold line in the north plant on April 7, 1981.	Step 2 11/03/81	
b.	Employee exposed to dust containing crystalline silica while operating the sand slinger on the "456" pipe mold line in the north plant on May 6, 1981.		
1 - Submit to the Area Director a written detailed plan of abatement including a schedule for the implementation of engineering and/or administrative measures to control employee exposures to hazardous substances as referenced in this citation. This plan shall include minimum, target dates for the following actions which should be consistent with the dates required by this citation.			
a.	Evaluation of the extent and location of the hazard source;		
b.	Evaluation of control measure options;		
c.	Selection of optimum control measure(s);		
d.	Determination of control measure design;		

DIRECTOR
HOLDER

RIGHT TO EMPLOYEES - The law gives an employee or his representative the opportunity to object to any abatement date if he believes the date to be unreasonable. The objection must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

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TOTAL PENALTY FOR THIS CITATION

Make check or Money Order Payable To: "DOL-OSHA" Indicate OSHA No. on Remittance

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
202 Federal Building
Tyler, TX 75702

ISSUANCE	OSHA NUMBER	
6/3/81	18099-123	
REGION	AREA	PAGE
6	7070	2 OF 2

TYPE OF VIOLATION(S)	CITATION NO.
OTHER	1

INSPECTION DATE:

3/26-4/7/81

INSPECTION SITE:

Rwy 69 N

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VIOLATION NUMBER	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
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- | VIOLATION NUMBER | DATE BY WHICH VIOLATION MUST BE CORRECTED | PENALTY |
|---|---|---------|
| e. Ordering and delivery of equipment and materials; | | |
| f. Installation of control measures; | | |
| g. Training of employees in the proper operation and maintenance of the newly implemented control measures; and | | |
| h. Assurance of effective performance of control measures. | | |

proposed control measures shall be approved for each particular use by a competent industrial hygienist or other technically qualified person. Ninety (90) day progress reports are required during the abatement period.

Step 2 - Correction shall be completed by the implementation of feasible engineering and/or administrative controls and their effectiveness at achieving compliance verified.

AREA DIRECTOR
J. HOLDER

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