PLAINTIFF'S EXHIBIT

DOW-137

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

1. Type of Violation(s)	2. Citation Number
Other	02

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID	6. CSHO ID
0625700	M0340
7. Optional Report No.	8. Page No.
020.	1 of 10

10. Inspection Date(s):

9/30/86 10/3/86

11. Inspection Site:

Dow Chemical Co., LA Hwy #1
Plaquemine, LA 70764

9. To:

Hebert Brothers Engineers, Inc.
and its successors
P.O. Box 715
Plaquemine, LA 70764

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.
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 abate 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 rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Citation is affirmed by the Review Commission.

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1		01/20/87	0.00

29 CFR 1904.2(b)(2): A copy of the log and summary of occupational injuries and illnesses (OSHA Form No. 200 or equivalent) was not available and current to within 45 calendar days at the establishment:

(a) Worksite: Hebert Brothers Engineers, Dow Chemical Facility, Plaquemine, Louisiana; the employer failed to keep a copy of the 200 log at each of the employer's establishments which reflects separately the injury and illness experience of that establishment complete and current to a date within 45 calendar days.

@ KEEPT OFF BRDG

ST0354933

17. Area Director Paul J. Hansen, Jr [signature]

18. Last Pg

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 for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

Indicate Inspection Number on Remittance

EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

1. Type of Violation(s)	2. Citation Number
Other	02

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID: 0625700	6. CSHO ID: M0340
7. Optional Report No.: 020	8. Page No.: 2 of 10

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s): 9/30/86 10/3/86

11. Inspection Site:
Dow Chemical Co., LA Hwy #1
Plaquemine, LA 70764

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
	The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.		
2a 29 CFR 1910.20(g)(1)(i)	Employees exposed to toxic substances or harmful physical agents were not informed of the existence, location and availability of records pertaining to such exposure: (a) Worksite: Hebert Brothers Engineers, Plaquemine, Louisiana.	01/20/87	0.00
2b 29 CFR 1910.20(g)(1)(ii)	Employees exposed to toxic substances or harmful physical agents were not informed of the person responsible for maintaining and providing access to the records per-taining to such exposure: (a) Worksite: Hebert Brothers Engineers, Plaquemine, Louisiana.	01/20/87	

ST0354934

17. Area Director: Paul J. Hansen, Jr. Paul J. Hansen Jr.

18. Last Pg

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Indicate Inspection Number on Remittance

ORIGINAL

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

ST0354935

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID	6. CSHO ID
0625700	M0340
7. Optional Report No.	8. Page No.
020	3 of 10

1. Type of Violation(s)	2. Citation Number
Other	02

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated / 14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
2c 29 CFR 1910.20(g)(1)(iii): Employees exposed to toxic substances or harmful physical agents were not informed of their rights to access to records pertaining to such exposure: (a) Worksite: Hebert Brothers Engineers, Plaquemine, Louisiana.	01/20/87	
3 29 CFR 1910.20(g)(2): A copy of 29 CFR 1910.20 and its appendices was not made readily available to employees: (a) Worksite: Hebert Brothers Engineers, Dow Chemical Facility, Plaquemine, Louisiana.	01/13/87	0.00
4 29 CFR 1910.134(b)(1): . Written standard operating procedures governing the selection and use of respirators were not established: (a) Worksite: Hebert Brothers Engineers, Dow Chemical Facility, Plaquemine, Louisiana.	02/17/87	240.00

17. Area Director Paul J. Hansen, Jr. Paul J. Hansen Jr

18. Last Pg

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Total Penalty for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

Indicate Inspection Number on Remittance

ORIGINAL

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

ST0354936

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID	6. CSHO ID
0625700	M0340
7. Optional Report No.	8. Page No.
020	4 of 10

1. Type of Violation(s)	2. Citation Number
Other	02

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10. Inspection Date(s): 9/30/86 10/3/86

11. Inspection Site:
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Plaquemine, LA 70764

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
5 29 CFR 1910.134(b)(3)	The users of respirators were not instructed and trained in the proper use of respirators and their limitations: (a) Worksite: Hebert Brothers Engineers, Dow Chemical Facility, Plaquemine, Louisiana. DOCUMENTED NO FIT TEST FIBER RESPIRATOR "MAY HAVE SUBSTANCE" "DUST MASK" NO TRAINING	02/17/87	240.00

17. Area Director: Paul J. Hansen, Jr. Paul J. Hansen Jr

18. Last Pg

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Total Penalty for This Citation

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Indicate Inspection Number on Remittance

ORIGINAL

U.S. Department of Labor
Occupational Safety and Health Administration

ST0354937

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

1. Type of Violation(s)	2. Citation Number
Other	02

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3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID	6. CSHO ID
0625700	M0340
7. Optional Report No.	8. Page No.
020	5 of 10

10. Inspection Date(s): 9/30/86 10/3/86

11. Inspection Site:
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Plaquemine, LA 70764

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
6		02/02/87	240.00

29 CFR 1910.134(b)(10): Persons were assigned to tasks requiring use of respirators and it had not been determined that they were physically able to perform the work and use the equipment, and the respirator user's medical status was not reviewed periodically (for instance annually):

DR. CURRIER CHECKS THIS!!

(a) Worksite: Hebert Brothers Engineers, Plaquemine, Louisiana.

1. Process employees mix and handle asbestos using 3M respirators in the cell service area 1/1/85 to 6/30/86 without having respirator fit test.

8710 RESP

DISPOSAL

WENT TO + RECORDS FOR COMFO II

2. Process laborers handle asbestos contaminated cathodes and anodes in cell service area and throughout the chlorine area using Type H MSA Comfo II respirators (TC-23C-153) 6/30/87 to present without having respirator fit test.

17. Area Director Paul J. Hansen, Jr. Paul J. Hansen Jr.

18. Last Pg

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U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
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1. Type of Violation(s)	2. Citation Number
Other	02

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID: 0625700	6. CSHO ID: M0340
7. Optional Report No.: 020	8. Page No.: 6 of 10

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
7 29 CFR 1910.1101(h)(2)	Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, 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: (a) Worksite: Hebert Brothers Engineers, Plaquemine, Louisiana; asbestos was transported in unsealed bags and without adequate labeling on asbestos waste containers.	02/17/87 NO VALIDITY	0.00

ST0354938

17. Area Director: Paul J. Hansen, Jr. Paul J. Hansen Jr

18. Last Pg

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U.S. Department of Labor
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Citation and Notification of Penalty

US Department of Labor - OSHA
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1. Type of Violation(s)	2. Citation Number
Other	02

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID: 0625700	6. CSHO ID: M0340
7. Optional Report No.: 020	8. Page No.: 7 of 10

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated / 14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
8 V 29 CFR 1910.1101(i)(2): Every employee or former employee did not have reasonable access to asbestos monitoring records which indicate the employee's own exposure to asbestos fibers: (a) Worksite: Hebert Brothers Engineers, Dow Chemical Facility, Plaquemine, Louisiana. 1. On 4/29/85 monitoring data for cell service block #56. 2. On 2/27 thru 6/18/86 monitoring data for personnel and areas of cell service block #56.	01/20/87 NO ONE EVER ASKED!	240.00

ST0354939

17. Area Director: Paul J. Hansen, Jr. Paul J. Hansen Jr.

18. Last Pg

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U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
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ST0354940

3. Issuance Date	4. Inspection Number
01/08/87	101017275
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0625700	M0340
7. Optional Report No.	8. Page No.
020	8 of 10

1. Type of Violation(s)	2. Citation Number
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12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
9 / 29 CFR 1910.1101(i)(3)	Employee(s) found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the prescribed limits were not notified in writing of the exposure or advised of corrective actions being taken: (a) Maintenance employees for the cell service block area mixing pulp and cleaning cathodes to remove asbestos were exposed to airborne asbestos in excess of the permissible exposure limit of 2 fibers/cc on 2/27/86 and 6/18/86 without receiving notification in writing of the exposure or without advise of the corrective action taken. Job Description / Exposure Level / Sample Time / Location: Laborer / 3.08 fibers/cc / 435 Min. / Cell Service 2/27/86 Laborer / 2.24 fibers/cc / 120 Min. / Storage Room 6/18/86 Laborer / 11.22 fibers/cc / 15 Min. / Storage Room 4/29/85	01/20/87	240.00

17. Area Director: Paul J. Hansen, Jr

18. Last Pg

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.

EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification.

Total Penalty for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

Indicate Inspection Number on Remittance

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

1. Type of Violation(s)	2. Citation Number
Other	02

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID: 0625700	6. CSHO ID: M0340
7. Optional Report No.: 020	8. Page No.: 9 of 10

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s): 9/30/86 10/3/86

11. Inspection Site: Dow Chemical Co., LA Hwy #1, Plaquemine, LA 70764

9. To:
Hebert Brothers Engineers, Inc.
and its successors
P.O. Box 715
Plaquemine, LA 70764

Penalties Are Due Within 15 Days of Receipt of This Notification Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of violation(s) cited below. The Citation must remain posted until the violations cited below have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.
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 abate 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 rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Citation is affirmed by the Review Commission.

12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
10 29 CFR 1910.1101(j)(4):	The employer did not provide or make available, within 30 days before or after termination of employment of an employee engaged in occupations exposed to airborne levels of asbestos, a comprehensive medial examination: (a) Worksite: Hebert Brothers Engineers, Dow Chemical Facility, Plaquemine, Louisiana.	01/20/87	240.00

REGIONAL ONLY TERMINATED IN 2 yrs

WE TAKE NO INITIATIVE TO INFORM EMP. OF AVAILABILITY. DISCHARGE BY PHYSICAL

ST0351941

17. Area Director: Paul J. Hansen, Jr. Paul J. Hansen Jr

18. Last Pg

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Total Penalty for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

Indicate Inspection Number on Remittance

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

US Department of Labor - OSHA
Hoover Annex Suite 200
2156 Wooddale Boulevard
Baton Rouge , LA 70806

1. Type of Violation(s)	2. Citation Number
Other	02

3. Issuance Date	4. Inspection Number
01/08/87	101017275
5. Reporting ID: 0625700	6. CSHO ID: M0340
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The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s): 9/30/86 10/3/86

11. Inspection Site:
Dow Chemical Co., LA Hwy #1
Plaquemine, LA 70764

9. To:
Hebert Brothers Engineers, Inc.
and its successors
P.O. Box 715
Plaquemine, LA 70764

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12. Item Number / 13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
11 29 CFR 1926.21(b)(3):	The employer did not instruct each employee who was required to handle or use poisons, caustics, and other harmful substances regarding their safe handling and use, and be made aware of the potential hazards, personal hygiene, and personal protective measures required: (a) Worksite: Hebert Brothers Engineers, Plaquemine, Louisiana.	02/02/87	240.00

DOCUMENTS FOR CONTRACTORS + DOW)!!

ST0354942

17. Area Director: Paul J. Hansen, Jr. Paul J. Hansen Jr.

18. $ 1680.00

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Total Penalty for This Citation

Make Check or Money Order Payable to: "DOL-OSHA"

Indicate Inspection Number on Remittance

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