

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
550 MAIN STREET
CINCINNATI, OH 45202
513-684-3784
1-800-582-1708

4/13/90

Recd

April 10, 1990

Calvin Campbell
McGraw Construction Co.
PO Box 369
Middletown, OH 45402

XC: JFC
SJB
CWC
SCH
PTM

Dear Mr. Campbell:

During our recent investigation at Armco's Hot Strip Mill regarding asbestos exposure, we became concerned that potential employee exposure is not documented. Although it will never be possible for anyone to determine with certainty what concentration levels of airborne asbestos were generated in the #2 furnace area of Armco's Hot Strip Mill prior to March 17, 1990, we highly recommend that current and future medical monitoring be provided for those employees who worked in this area during the first quarter of calendar year 1990. It is possible that employees who worked on or near the removal and replacement of the 12-inch water lines in the Hot Strip Mill may have been exposed to high airborne levels of asbestos, without any respiratory protection being worn, and without any precautions being taken to prevent employees from tracking asbestos fibers on their clothing, skin, hair and shoes into their cars and residences. The type of medical surveillance described in 29 CFR 1926.58(m)(2)(iii) should be provided to these employees now and annually hereafter. Consequently, if any medical problems do arise in the future, they could be diagnosed and treated at a very early stage.

We thank you in advance for your attention to this matter. If you have any questions in regard to this subject, please feel free to contact our office at (513) 684-3784. Please inform us within 30 calendar days of the medical monitoring steps that you plan to follow and of the precautions that you intend to implement in the future to prevent the disturbing of asbestos pipe insulation during construction projects.

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussion in person or by telephone.



McGCon 11942

You will note on page 9 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information may allow us to close the case.

As indicated on page 10 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the citations as soon as the time, date, and place of the informal conference have been determined.

Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Sincerely,

James E. Washam

for William M. Murphy
Area Director

Enclosures

NOTICE TO EMPLOYEES

An informal conference has been scheduled with OSHA to discuss the citations issued on April 10, 1990. The conference will be held at the OSHA office located at Federal Office Building - Room 4028, Cincinnati, Ohio 45202 on _____ at _____.

NOTICE

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, penalties, and fees to cover the administrative costs of collecting delinquent penalties for violations of the Occupational Safety and Health Act.

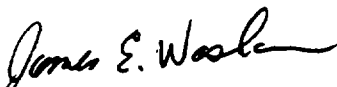
Interest charges are assessed at an annual rate determined by the Secretary of the Treasury. This rate is currently 9%.

Interest shall accrue from the date on which the citation and penalty (as proposed or adjusted) became a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the citation and proposed penalty, unless you notice of contest). Interest charges shall be waived if the full amount owed is paid within 30 days of the final order.

After 30 calendar days, the debt shall be delinquent unless a satisfactory payment arrangement has been made. Agencies of the Department of Labor are required to assess the administrative costs of recovering delinquent debts. If the debt remains delinquent for more than 90 calendar days, an additional penalty of nine percent (9%) per annum shall be assessed accruing from the date that the debt became delinquent.

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties shown on the citation. Make your check or money order payable to: "DOL- OSHA." Please indicate OSHA's Inspection Number and Reporting ID (see citation) on the remittance.

Sincerely,


William M. Murphy
Area Director

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



Citation and Notification of Penalty
Federal Office Building - Room 4028
350 Main Street
Cincinnati, OH 45202

3. Issuance Date 04/10/90	4. Citation Number 103241832
5. Receipt Date 0522000	6. OSHA ID 58224
7. Optional Report No. 134	8. Page No 3 of

1. Type of Violation(s)	2. Citation Number
Serious	01

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):
3/30/90 -

11. Inspection Site:
1801 Crawford St.
Middletown, OH 45043

Certified Mail No. 076610
Return Receipt Requested

9. To:
McGraw Construction Co.
and its successors
PO Box 369
Middletown, OH 45042
Attn: President

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	29 CFR 1910.20(g)(1);	Employees who are exposed to toxic substances or harmful physical agents were not informed initially and annually of the following: (i) the existence, location and availability of any records covered by this section; (ii) the identity of the person responsible for maintaining and providing access to these records; and (iii) each employee's access rights to these records;	04/15/90	900.00
	(a) The training described above concerning exposure records such as bulk sample analysis results, air sample analysis results and Material Safety Data Sheets (MSDS's) was not provided at least initially and annually to all employees who are exposed to any hazardous substance (such as asbestos, carbon monoxide, coke oven emissions, benzene, refractory brick containing silica, etc.) or to any harmful physical agent (such as noise or heat stress).			

McGCon 11946

17. Area Director: **William M. Murphy - Area Director**

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
Money Ord
Payable to
DOL-OSHA
Indicate
Inspector
Number
on
Remittance

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



Citation and Notification of Penalty
Federal Office Building - Room 4028
550 Main Street
Cincinnati, OH 45202

3. Issue Date: 6/22/90	4. Citation Number: 1882
5. Report No. 552000	6. SSN: 410
7. Optional Report No.	8. Page No. 3 of

1. Type of Violation(s) SERIOUS	2. Citation Number 01
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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):
3/30/90 -

11. Inspection Site:
1801 Crawford St.
Middletown, OH 45043

To
McBraw Construction Co.
and its successors
PO Box 369
Middletown, OH 45402
Attn: President

Certified Mail No. 076610
Return Receipt Requested

Penalties
Are Due
Within 15
Days of
Receipt
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Unless
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(See
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Booklet)

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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
1	29 CFR 1910.20(g)(1):	Employees who are exposed to toxic substances or harmful physical agents were not informed initially and annually of the following: (i) the existence, location and availability of any records covered by this section; (ii) the identity of the person responsible for maintaining and providing access to these records; and (iii) each employee's access rights to these records:	04/15/90	900.00
	(a) The training described above concerning exposure records such as bulk sample analysis results, air sample analysis results and Material Safety Data Sheets (MSDS's) was not provided at least initially and annually to all employees who are exposed to any hazardous substance (such as asbestos, carbon monoxide, coke oven emissions, benzene, refractory brick containing silica, etc.) or to any harmful physical agent (such as noise or heat stress).			

McGCon 11947

17. Area Director: William M. Murphy - Area Director

Last Pg 18.

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

Total
Penalty
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Citation
Make Check
Money Order
Payable to:
DOL-OSH
Indicate
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on
Remittance

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



U.S. Department of Labor
Federal Office Building - Room 402B
550 Main Street
Cincinnati, OH 45202

3. Issuance Date 04/10/90	4. Inspection Number 10324183E
5. Reporting ID 0522000	6. CSHQ ID 56224
7. Optional Report No. 434	8. Page No. 2 of 3

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):
3/30/90 -

1. Type of Violation(s)	2. Citation Number
Serious	01

9. To:
McGraw Construction Co.
and its successors
PO Box 369
Middletown, OH 45402

11. Inspection Site:
1801 Crawford St.
Middletown, OH 45043

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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. Penalties
2	29 CFR 1926.58(f)(1)(i):	Employer did not perform monitoring to determine accurately the airborne concentration of asbestos to which employees were exposed:	Immediately Upon Receipt	900.00
	(a)	On approximately February 2, 1990, employees expressed concern to management about the fact that pipe insulation which may contain asbestos was being forcefully disturbed and knocked down onto other employees. However, no air sampling or bulk sampling was performed by the employer until after a bulk sample which was analyzed through the Boilermaker's Union was found to contain 40% Chrysotile asbestos. The results of this analysis were presented to the employer on the morning of March 27, 1990.		

McGCon 11948

17. Area Director William M. Murphy - Area Director

Jane E. Washam

Last Page

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

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

This Section May Be Detached Before Posting

Total Penalties for This Citation
Make Check Money Order Payable to DOL-OSHA
Index Inspection Number on Remittance

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



U.S. Department of Labor - OSHA
Citation and Notification of Penalty
Federal Office Building - Room 402B
550 Main Street
Cincinnati, OH 45202

3. Issuance Date 3/30/90	4. Inspection Number 11949
5. Reporting ID OS22600	6. OSHA ID 5824
7. Optional Report No.	8. Page No. 3 of

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):
3/30/90 -

1. Type of Violation(s) Serious	2. Citation Number 01
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11. Inspection Site:
1801 Crawford St.
Middletown, OH 45043

9. To:
McGraw Construction Co.
and its successors
PO Box 369
Middletown, OH 45402

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12. Item Number	14. Description	15. Date by Which Violation Must Be Abated	16. Penalt
29	29 CFR 1926.58(f)(1)(i): Employer did not perform monitoring to determine accurately the airborne concentration of asbestos to which employees were exposed:	Immediately Upon Receipt	900.0
(a) On approximately February 2, 1990, employees expressed concern to management about the fact that pipe insulation which may contain asbestos was being forcefully disturbed and knocked down onto other employees. However, no air sampling or bulk sampling was performed by the employer until after a bulk sample which was analyzed through the Boilermaker's Union was found to contain 40% Chrysotile asbestos. The results of this analysis were presented to the employer on the morning of March 27, 1990.			

McGCon 11949

17. Area Director William M. Murphy - Area Director

Jane E. Washam

Last Pg

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



Citation and Notification of Penalty
U.S. Department of Labor - OSHA
Federal Office Building - Room 402B
550 Main Street
Cincinnati, OH 45202

3. Issuance Date 04/10/90	4. Inspection Number 103241832
5. Reporting ID 0522000	6. CSHQ ID 56224
7. Optional Report No. 434	8. Page No. 3 of 3

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):
3/30/90 -

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:
**1801 Crawford St.
Middletown, OH 45043**

9. To:
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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. Penalties
3	29 CFR 1926.451(a)(13):	An access ladder or equivalent safe access to scaffold(s) was not provided:	04/13/90	600.00
	(a)	In the furnace #2 area of Araco's Hot Strip Mill building, employees gained access to the working surface of a tubular welded frame scaffold which was 40 feet above the floor by climbing the end frame of the scaffold.		
4	29 CFR 1926.451(d)(10):	Standard guardrails and toeboards were not installed at all open sides and ends on tubular welded frame scaffolds more than 10 feet above the ground or floor:	04/13/90	600.00
	(a)	Toe boards were not installed on the tubular welded frame scaffolding which was 40 feet above the floor in the furnace #2 area of Araco's Hot Strip Mill.		

McGCon 11950

17. Area Director: **William H. Murphy - Area Director**

\$ 3000.

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

Total
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Payable
to OSHA
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Inspection
Number
on
Remittance