

RESPONDENT'S REPLY TO
PETITION FOR EXTENSION
OF ABATEMENT PERIOD

This is in reply to Foseco, Inc.'s petition for extension of two (2) abatement dates from February 22, 1974 to April 22, 1974, which was submitted pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970, (84 Stat. 1590; 29 U.S.C. § 651 et seq.), hereinafter referred to as the Act.

Foseco, Inc. is a corporation maintaining a place of business and manufacturing facility at 20200 Sheldon Road, Cleveland, Ohio 44142 and is engaged at that location in the business of formulating and manufacturing fluxes, degassers, and insulating products for steel.

FQS-00-0000002738



III

Petitioner's employees regularly handle, receive and store goods moving in interstate commerce and produce and ship goods in interstate commerce to points outside the State of Ohio. Therefore, petitioner is engaged in a business affecting commerce within the meaning of Section 3(5) of the Act.

IV

Representatives of the Cleveland, Ohio Area Office of the Occupational Safety and Health Administration conducted an inspection of the petitioner's facilities and worksite on December 6, 1973.

V

Area Director Kenneth Bowman issued two citations alleging three (3) violations of the Act pursuant to Section 9(a) of the Act on January 15, 1974. The citation together with a notice of proposed penalties in the amount of \$705.00 were received by petitioner on or about January 16, 1974.

VI

The petitioner did not file a timely notice of intention to contest either citation. Therefore, they became a final order of the Commission pursuant to Section 10(a) of the Act.

VII

By a letter dated February 19, 1974, petitioner has requested an extension of the abatement dates for the violations alleged in Items Nos. one (1) and two (2) of the non-serious citation. The petition was duly forwarded to the Commission.

VIII

The cited violations referred to herein are set out as follows:

<u>ITEM</u>	<u>STANDARD</u>	<u>ALLEGED VIOLATION</u>	<u>ABATEMENT DATE</u>
1	29 CFR Section 1910.93(a)(j)(3)	Failed to provide annual comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers.	February 22, 1974
2	29 CFR Section 1910.134(a)(2) & (3)	Failed to enforce the use of respirators which are applicable and suitable for the purpose intended and to establish and maintain a respiratory protective program. Locations: (1) Pulping platform 07. (2) Pulping platform 0708.	February 22, 1974

IX

Respondent does not object to the granting of the petition whereby petitioner would be granted until April 22, 1974 to abate the violation specified in Items Nos. one (1) and two (2) of the Citation.


Dennis Dowdell, Jr., Trial Attorney
for Respondent

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Of Counsel for Respondent:

WILLIAM J. KILBERG, Solicitor of Labor
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W. S. KLOEPFER, Assoc. Regional Solicitor

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing
Reply were mailed to David B. Woodbury, Industrial Relations
Manager, Foseco, Inc., 20200 Sheldon Road, Cleveland, Ohio
44142, on March 5, 1974.

James L. Coats

-5-

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