FILE NAME: Westinghouse (WH)

DATE: 1975 Oct 21

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DOCUMENT DESCRIPTION: Letter re Decision to NOT Documenting OSHA Violations

not documenting OSHA Violations 1975

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Westinghouse Electric Corporation

Westinghouse Building
Gateway Center
Pittsburgh Pennsylvania 15222

October 21, 1975

Mr. Wayne Brooks
Organization Resources Counselors, Inc.
1625 "I" Street, N.W.
Washington, D.C. 20006

Dear Wayne:

As you recall, I spoke with you a week or so ago with respect to an issue that concerns us within Westinghouse Electric Corporation. As you know, we are extremely concerned that we offer safe work places to all our employes. To effectively accomplish this we feel there is a need to audit our facility and because of the size of the Corporation document the deficiencies we see. Those deficiencies which would require some capital expenditure require an assessment of monies needed to remedy the problem. I am sure you can appreciate that in accomplishing this sort of a survey numerous documents are generated, which, should they fall into the hands of OSHA pursuant to a subpoena, could indeed serve as a basis for a willful violation.

Because of the possibilities I have referenced above, we have tended to steer away from documenting any possible OSHA violation which we do not think we can fix almost immediately. In other words, if the situation is not one that lends itself to being remedied in the very near future, we will not record it nor generate any documents that reflect that we are aware of the possibly violative situation.

If, in your dealings with OSHA or any officials from the Department of Labor, you could get an assurance that the Regional Solicitors will not, in litigating a particular violation, subpoena documents which would reflect Corporate knowledge about those alleged violations, it would be most helpful to us. With that type of an assurance, we could

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then feel much more at ease in accurately and fully assessing any and all situations violative of the Occupational Safety and Health Act.

I look forward to hearing from you on this subject.

Very truly yours,

Ronald G. Ingham
Senior Attorney

RGI/bk1

cc: W. H. Ziefel
cc: J. McMullin