

G-38,738-1
UNION CARBIDE CORPORATION
(OSHA Citation 84-0705)

November 27, 1984

Ms. Betty-Lynn White
Law Department
Union Carbide Corporation
Old Ridgebury Road
Danbury, Connecticut 06817

Dear Betty-Lynn:

I have attached the settlement agreement which we discussed. The exculpatory language is contained in paragraphs 2 and 3.

The abatement language proposed by Fitz is:

Prior to activating and placing the chiller unit in service, the employer shall make certain that the pressure on the unit to be cooled does not exceed the pressure for which the chiller unit is designed.

Fitz has indicated that the exact wording is not critical to him and that there is plenty of room for negotiation.

Sincerely,



Ross Harrison

RH:160
Attachment

UCTC 21122

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

RAYMOND J. DONOVAN, Secretary §
of Labor, United States §
Department of Labor, §

Complainant, §

v. §

OSHRD DOCKET NO. 81-0191

MONDY INDUSTRIAL MAINTENANCE, §
INC., and Its Successors, §

Respondent. §

SETTLEMENT AGREEMENT

COME NOW Complainant and Respondent and submit the following settlement agreement pursuant to Rule 100 of the Commission's Rules of Procedure:

1. On May 22, 1984, the Court granted Complainant's motion to amend Citation No. 1 and the Complaint to allege a violation of Section 5(a)(1) of the Act (29 U.S.C. § 654(a)(1)). Complainant now moves to withdraw that allegation and to amend the Complaint and Citation No. 1 to reflect only those citations contained in Citation Nos. 1 and 2 as issued on January 25, 1984.

2. Subject to the granting of Complainant's motion and without admitting any violation of the Occupational Safety and Health Act or the Occupational Safety and

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health regulations promulgated pursuant to the Act, Respondent moves to withdraw its contest of the citations issued on January 25, 1984, as the result of the Occupational Safety and Health Administration's Inspection No. D3109-736. In this regard, Respondent notes that Citation No. 1 fails to allege a violation of 29 C.F.R. 1926.556(b)(2).

3. The entry of a final order of the Commission approving this settlement agreement shall not constitute an admission by Respondent of any violation of the Occupational Safety and Health Act to any third parties in any other proceedings, formal or informal, except proceedings brought by the Secretary of Labor directly under the provisions of the Occupational Safety and Health Act.

4. Upon the entry of a final order of the Commission approving this settlement agreement, Respondent promises to pay the penalty of \$420.00 to be assessed by the Commission.

5. Respondent states that the conditions described in the citations have been corrected to the extent required, if any.

6. Respondent certifies that the affected employees in the above-styled case are not represented by an authorized employee representative.

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7. Respondent certifies that a copy of this settlement agreement has been served upon the unrepresented affected employees in the manner set forth in Rule 7 of the Rules of Procedure, by posting same on the 18th day of June, 1984.

8. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

FRANCIS X. LILLY
Solicitor of Labor

BAKER & BOTTS

JAMES E. WHITE
Regional Solicitor

JACK F. OSTRANDER
Counsel for Occupational
Safety and Health

By: Ross Harrison
Ross Harrison
Attorney

By: Robert A. Fitz
Robert A. Fitz
Attorney

Baker & Botts
One Shell Plaza
Houston, Texas 77002

U.S. Department of Labor
Office of the Solicitor
555 Griffin Square, Suite 501
Dallas, Texas 75202

Telephone: (713) 229-1234

Telephone (214) 797-4902

Attorneys for Respondent.

Attorneys for Complainant.

OSHA No. D-109-736
SOL Case No. 20895

UCTC 21125

NOTICE TO AFFECTED EMPLOYEES
NOT REPRESENTED BY A LABOR ORGANIZATION

EACH AFFECTED EMPLOYEE WHO IS NOT REPRESENTED BY A LABOR ORGANIZATION HEREBY IS GIVEN NOTICE THAT ANY OBJECTIONS TO THE ENTRY OF AN ORDER APPROVING THIS SETTLEMENT AGREEMENT MUST BE FILED WITHIN TEN (10) DAYS FROM THE DATE THAT THIS SETTLEMENT AGREEMENT IS POSTED. SUCH OBJECTIONS MUST BE SET FORTH IN WRITING AND MAILED TO THE HONORABLE E. CARTER BOYKIN, ADMINISTRATIVE LAW JUDGE, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, 1100 COMMERCE STREET, SUITE 7B11, DALLAS, TEXAS 75242, WITH COPIES TO COMPLAINANT AND RESPONDENT.

OLRH:B

UCTC 21126

ONE SHELL PLAZA
HOUSTON, TEXAS 77002

DO NOT PENETRILATE BY A W.
WASHINGTON, D. C. 20505

WFO UNITED BANK CORP
400 WEST FIFTEENTH STREET
AUSTIN, TEXAS 78701

TO: Betty-Lynn White

FROM: Ross Harrison

DATE: November 27, 1984

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(713+) 229-1730 or 229-1621 ← Barbara Baker

UCTC 21121

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❖ Union Carbide Corp., Danbury, Conn.
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