

**LIMITED ACCESS
INFORMATION**
Restricted to Addressee

FIBERGLAS

J. L. Kruger - T11
7/11/73
Intra-company correspondence

to Plant Managers

from J. B. Mackey - Toledo (3715)

date June 18, 1973

subject OSHA CITATIONS

cc:

The attached copy of OSHA citations indicates the additional health violations from the April visitation at Newark.

If you have any remaining Kaylo for plant use containing asbestos, plans should be made to either control usage or to scrap it.

Asbestos exposure requirements are outlined in OSHA Standard 1910.93a.

Ben Mackey, Jr.
Manufacturing Safety Engineer

JBM:mar

DISTRIBUTION

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**PLAINTIFF'S
EXHIBIT**

WV-02878

**PLAINTIFF'S
EXHIBIT**

7482.0

EXHIBIT

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02 214 0837

WV-02878

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
Columbus Area Office
400 Bryson Building
700 Ohio Ave.
Columbus, Ohio 43215

CASE NO.	DATE
10-13	10-13
FILE	FILE
1000	05

CITATION COVER LETTER

REGISTERED MAIL (70777)
RETURN RECEIPT REQUESTED

TO: Omega-Dynasty Films Inc. Corporation
Case No. _____
Shawnee, Ohio 43055

Date: June 5, 1977

Subject: Citation for Alleged Occupational Safety and Health Violation(s)

An inspection of a workplace under your operation, ownership, or control has revealed conditions which we believe do not comply with the provisions of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651. The nature of such alleged violation(s) is described in the enclosed citation with references to applicable standards, rules, regulations, and provisions of the said Act. These conditions must be corrected on or before the date shown to the right of each violation therein.

The Act requires that a copy of the enclosed citation(s) be prominently posted "in a conspicuous place upon receipt" at or near each place a violation referred to in the citation occurred. Citations remain posted until all violations cited therein are corrected, or for 15 working days, whichever period is longer. A sufficient number of copies of the attached citation(s) should be prepared to permit posting in accordance with the requirements of the Act.

If you contest the citation you may post a notice to this effect near the citation contested. The Act contains penalties for violation of the posting requirements.

You will soon be notified by certified mail whether or not a proposed penalty will be assessed as a result of the cited violation(s). You have the right to contest the citation(s), the proposed penalties, or both, before the Occupational Safety and Health Review Commission. The Review Commission is an independent quasi-judicial agency with authority to issue decisions regarding citations and proposed penalties. If you do contest, you must so notify the Area Director within 15 working days after receipt of the certified mail notice regarding proposed penalties. If you fail to contest within the 15 working day period, the citation and the proposed assessment of penalties shall be deemed to be a final order not subject to review by any court or agency.

An employer or representative of employees may file a notice to contest the time stated in the citation for the abatement of the alleged violation(s).

Alleged violations that are not contested shall be corrected within the abatement period specified in the citation. Failure to correct an alleged violation within the abatement period may result in a further proposed assessment of penalties.

As to alleged violations with an abatement period of 30 days or less, you are directed to promptly advise the Area Director as to the specific corrective action on each such violation and the date of such action.

Alleged violations having a longer abatement period will require a progress report at the end of each 30-day period. The progress report should detail what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, the Area Director shall be so advised.

A followup inspection may be made for the purpose of ascertaining that you have posted the citations as required by the Act and corrected the alleged violations as you have reported. The Act provides that whoever knowingly gives false information is subject to a fine up to \$10,000, imprisonment up to 6 months, or both.

If you wish additional information, you may direct such request to the undersigned at the address listed above.

cc: Omega-Dynasty Filmings Corp.
Shawnee Tower
Shawnee, Ohio 43055

U.S. Department of Labor

By Area Director _____
JOHN L. C. MALL

PLAINTIFF'S
EXHIBIT

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The issuance of a 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 Occupational Safety and Health Review Commission.

DESCRIPTIONS OF TYPES OF VIOLATIONS

NONSERIOUS violation is one which is not a serious violation within the meaning of the Act but which has a direct or immediate relationship to occupational safety and health.

SERIOUS violation, according to the Act, "shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation."

WILLFUL violation exists under the Act where the evidence shows (1) that the employer committed an intentional and knowing violation of the Act and the employer is conscious of the fact that what he is doing constitutes a violation of the Act, or (2) even though the employer was not consciously violating the Act, he was aware that a hazardous condition existed and made no reasonable effort to eliminate the condition.

REPEATED violation exists where the employer has abated an earlier violation, for which a citation was issued, and, upon later inspection, is found to have committed the same violation.

Correspondence, or other forms of communication, relative to this citation should be directed to the office shown at the top of front page of this form. In correspondence, please refer to the OSHA-1 No. which appears in the upper right-hand corner of front page of this citation.

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OSHA-1 (Rev. 10-1-73)

02 214 0839

U.S. DEPARTMENT OF LABOR
BUREAU OF SAFETY AND HEALTH ADMINISTRATION
Columbus Area Office
226 Bryson Building
700 Bryson Road
Columbus, Ohio 43215

OSHA NO.	OSHA NO.	REV.
P-1999	59	73
AREA	REGION	
1800	05	

STATION

TO: 1

Owens-Corning Fiberglass Corporation
Case Avenue
Newark, Ohio 43055

3. Citation Number: 1

4. Page 1 of 1

TYPE OF ALLEGED VIOLATION(S): SERIOUS.

An inspection was made on April 11, 1973 of a place of employment located at:

Case Avenue, Newark, Ohio

and described as follows:

Manufacturer of fiberglass products

On the basis of the inspection it is alleged that you have violated the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., in the following respects:

10. Item number	11. Standard, regulation or section of the Act allegedly violated	12. Description of alleged violation	13. Date by which alleged violation must be corrected
1	29 CFR Section 1910.93a (b)(3)	Failure to limit employee's exposure to 10 fibers/cc or less of asbestos longer than 5 micrometers while sawing and drilling Kaylo applied to the #1 aerosol furnace. During the abatement period, personal protective equipment or administrative controls shall be used.	October 16, 1973

The law requires that a copy of this citation shall be prominently posted in a conspicuous place at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations cited therein are corrected, or for 3 working days*, whichever period is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any provision of this citation for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the U.S. Department of Labor at the address shown above within 15 working days* of the issuance of this citation.

*The person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Sec. 11(c) (1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 661, 688(c)(1).

*Under the Occupational Safety and Health Act, the term "Working Day" means Monday through Friday but does not include any day which is a Federal Holiday.

14. Area Director's Signature: *John P. Blum* Issued Date: *Apr 5* 1973

PLAINTIFF'S
EXHIBIT

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02 214 0840

CITATION

U.S. DEPARTMENT OF LABOR
 Occupational Safety and Health Administration
 11. Columbus Area Office
 221 Myer Building
 700 Myer Road
 Columbus, Ohio 43215

Case No.	7-1995	Page	59	of	73
Date	1800	Section	05		

TO:

Owens-Corning Fiberglass Corporation
 Case Avenue
 Newark, Ohio 43055

3. Citation Number 1

4. Page 1 of 4 2

TYPE OF ALLEGED VIOLATION(S): NUMEROUS

An inspection was made on April 13, 1973 of a place of employment located at:

Case Avenue, Newark, Ohio and described as follows:
 Manufacturer of fibrous glass products.

On the basis of the inspection it is alleged that you have violated the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., in the following respects:

10. Item Number	11. Section, regulation or portion of the Act allegedly violated	12. Description of alleged violation	13. Date by which alleged violation must be corrected
1	29 CFR Section 1910.95 (b)(1)	Failure to maintain sound levels at or below limits set in Table G-16 by feasible administrative or engineering means at these workplaces: (1) Operator, aerosol furnace #16; (2) Banded mat operator working on platform; (3) Machine tender, first level of wool furnace area. During the abatement period, personal protective equipment or administrative controls shall be used.	June 6, 1974
2	29 CFR Section 1910.93 (a)	Failure to limit employee's exposure to an 8-hour time weighted average of 50 ppm or less of carbon monoxide while operating #68 Hytzer in the special refrigeration department. During the abatement period, personal protective equipment or administrative controls shall be used.	October 16, 1973
3	29 CFR Section 1910.93 (a)	Failure to limit employees' exposure to 8-hour time weighted averages for respirable crystalline silica set in Table G-3 at these workplaces: (1) Hot repairman, furnace area of wool factory; (2) Hatch house operator, wool factory; (3) Chemical operator who adds silica to the paint mix. During the abatement period, personal protective equipment or administrative controls shall be used.	December 6, 1973 (For hot repairman and chemical operator) June 6, 1975 (for hatch house operator)
4	29 CFR Section 1910.93a (d)	Failure to provide personal protective equipment to employee exposed to more than 10 times but less than 100 times the ceiling limit for asbestos fibers while sewing and drilling kays.	August 10, 1973
5	29 CFR Section 1910.93a (f)	Failure to monitor asbestos fibers in every place of employment where asbestos fibers are released.	August 31, 1973

The law requires that a copy of this citation shall be prominently posted in a conspicuous place at or near each place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations cited therein are corrected, or for 3 working days*, whichever period is longer.

RIGHTS OF EMPLOYEES

Any employee or representative of employees who believes that any period of time fixed in this citation for the correction of a violation is unreasonable has the right to contest such time by submitting a written statement to the U.S. Department of Labor at the address shown above within 15 working days* of the issuance of this citation.

*No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or attempted or agreed to be assisted in any proceeding under or related to this Act or has notified or is about to notify in such proceeding or hearing of the existence of such employee or others of any right afforded by this Act." (Sec. 11(c) (1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 661, 660(c)(1).

*Under the Occupational Safety and Health Act, the term "Working Day" means Monday through Friday but shall not include Saturdays, Sundays, or Federal Holidays.

14. Area Director's Signature _____ Issues Date June 5, 1973

PLAINTIFF'S
 EXHIBIT

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02 214 0841

世界未來地圖

FORM NO.	FORM 2, INC	REV
1-1999	59	73
DATE IN	ACQUISITION	
1800	05	

731

Duquesne-Corning Fiberglas Corporation
Case Avenue
Newark, Ohio 43055

2. **Child's Name**.....

4. New 2' at 1. 2'

TYPE OF ALLEGED VIOLATION(S): NUMEROUS

An inspection was made on April 13, 1973 of a place of employment located at:
Case Avenue, Newark, Ohio and described as follows:
Manufacturer of fibrous glass products.

On the basis of the inspection it is alleged that you have violated the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., in the following respects:

10. Page Number	11. Standard, regulation or provision of the Act allegedly violated	12. Description of alleged violation	13. Date by which alleged violation must be corrected
6	29 CFR Section 1910.93a (g)	Failure to post caution signs and labels for asbestos.	August 10, 1973.
7	29 CFR Section 1910.93a (h)	Failure to meet housekeeping requirements where asbestos is used.	August 10, 1973.
8	29 CFR Section 1910.93a (i)	Failure to meet recordkeeping requirements for employees exposed to asbestos fibers.	August 10, 1973.
9	29 CFR Section 1910.93a (j)	Failure to provide or make available medical examinations to employees exposed to asbestos.	August 10, 1973

The law requires that a copy of this citation shall be prominently posted in a conspicuous place at or near such place that an alleged violation referred to in the citation occurred. The citation must remain posted until all alleged violations cited therein are corrected, or for 3 working days*, whichever period is longer.

[illegible]

Any employee in representation of employees who believes that any portion of time filed in this election for the correction of a violation is unreasonable has the right to contest such time for correction by submitting a letter to the U.S. Department of Labor at the address given above within 15 working days of the issuance of this election.

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." Sec. 11(a)(1) of the Organizational Injury and Denial Act of 1979, 29 U.S.C. 601, 606(a)(1).

*Under the Copyright Act of 1909, the "Library of Congress" must receive a copy of each book published in the United States.

16. Ann. Director's Signature _____ Printed Name June 5, 19 71

02 214 0842

**PLAINTIFF'S
EXHIBIT**

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Area Director
Occupational Safety and Health Administration,
224 E. 12th St.
2nd Floor
200 Bryden Road
Columbus, Ohio 43215

OSHA NO.	OSHA-100	YY
1	2	3
100-1000	100-1000	100-1000
1000	1000	1000

John-Cummins Fiberglass Corporation
Case Avenue
Muncie, Ohio 43055

1. Date: June 1, 1973
2. THIS NOTIFICATION IS POSTED.

NOTIFICATION OF PROPOSED PENALTY

This notification and the penalty(ies) proposed by the Secretary of Labor shall be deemed to be the final order of the Occupational Safety and Health Review Commission (an independent agency with authority to make decisions regarding citations and proposed penalties) and not subject to review by any court or agency until, within 15 working days from the date of receipt of this notification, you submit a petition of review. The issue of review should be mailed or otherwise delivered to the Area Director named below at the address shown at the top of this notification. If an issue of review is filed within the 15 working day period the proposed penalty(ies) shall be suspended and is immediately payable.

Payment of all penalties shown is to be made by check or money order payable to the order of "Occupational Safety and Health-Labor". Payment of penalties should be remitted to the Area Director at the address shown above.

Section 17(1) of the Act states: "Civil penalties owed under this Act shall be paid from the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States District Court for the district where the violation is alleged to have occurred or where the employer has its principal office."

On the 1st day of June, 1973, a citation(s) was issued to you in accordance with the provisions of Section 17(a) of the Occupational Safety and Health Act of 1970 (94 Stat. 1413; 29 U.S.C. 651, et seq.) in violation(s) of the Act. You were then notified of certain alleged violations of the Act, as specified in that citation(s).

YOU ARE HEREBY NOTIFIED that pursuant to the provisions of Section 17(a) of the Act, the penalty(ies) set forth below is/ are being proposed, based on the citation(s).

1. CITATION VIOLATIONS			6. CITATION VIOLATIONS		
1a. Citation No.	2a. Item No.	3c. Proposed Penalty	4a. Citation No.	4b. Item No.	5c. Proposed Penalty
1	1	\$600.00	1	1	\$30.00
				3	\$30.00

7. Total Proposed Penalty for All Alleged Violations

Area Director
Date

Date

June 1, 1973

The proposed penalty for Retention of Records of safety and health conditions reflects a 10 percent add-on for each case or as he takes within the period prescribed in the citation. If a particular alleged violation is not corrected within this period, the 10 percent add-on will be added to such other penalty as may subsequently be proposed for failure to correct a violation within the prescribed period. No abatement credit is allowed for violations of recordkeeping or posting requirements.

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