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November 28, 1988

Robert D. Luss, Esq.
Occidental Chemical Corporation
Post Office Box 1772
Berwyn, Pennsylvania 19312

Re: Secretary v. Occidental Chemical Corporation;
PVC Labeling Case

Dear Bob:

So that your files will be complete, I am enclosing the Administrative Law Judge's order withdrawing the citation and complaint filed by the Occupational Safety and Health Administration (OSHA) stemming from OSHA's inspection of Occidental's Addis, Louisiana facility. The citation alleged that polyvinyl chloride (PVC) resin should carry a cancer warning on the product label.

Although the issue is not formally resolved, you correctly predicted that OSHA would not pursue this matter if challenged. Understanding this, I am hopeful that others will follow Occidental's lead. In any event, this does conclude this particular proceeding.

Cordially yours,



Peter L. de la Cruz

Enclosures

cc: W. C. Holbrook
Larry Thomas (w/o enc.)
Roy T. Gottesman, Ph.D.
Lewis R. Freeman, Jr.

CTL017613



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
ROOM 7B11, FEDERAL BUILDING
1100 COMMERCE
DALLAS, TEXAS 75242-0791
FTS 729-5271
COM (214) 767-5271

October 27, 1988

NOTICE OF ORDER AND REPORT

IN REFERENCE TO:

Secretary of Labor v. Occidental Chemical Corporation

OSHRC Docket No. 88-0594

1. Please take notice that the accompanying order approving the withdrawal pursuant to 29 C.F.R § 2200.102, the withdrawal and all other papers comprising the record shall be sent promptly to the Review Commission's Executive Secretary, and shall constitute the report of this Administrative Law Judge for the purpose of 29 U.S.C. Section 661(j).
2. The order shall become final thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission Member within that time. 29 U.S.C. Section 661(j).

A handwritten signature in black ink, reading "Louis G. LaVecchia".

Louis G. LaVecchia
Administrative Law Judge

Enclosure

CTL017614

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,

Complainant,

: OSHRC DOCKET NO. 88-0594

:

v.

:

OCCIDENTAL CHEMICAL CORPORATION,

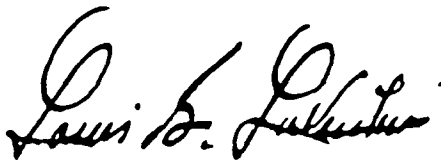
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ORDER

The Complainant's motion to withdraw the citation(s) and complaint heretofore filed in this proceeding is granted. Accordingly, the citation(s) is (are) vacated, and the complaint is dismissed.

The proceeding is discontinued.

So ORDERED.



Louis G. LaVecchia
Judge, OSHRC

Dated: October 27, 1988

CTL017615

U.S. Department of Labor

Office of the Solicitor
525 South Griffin Street, Suite 501
Dallas, Texas 75202
(214) 767-4902/FTS-729-4902
Telecopy (214) 767-3445/FTS 729-3445



Reply to the Attention of: SOL:AGParham:mjl

October 24, 1988

Honorable Louis G. LaVecchia
Administrative Law Judge
Occupational Safety and Health
Review Commission
1100 Commerce, Suite 7B11
Dallas, Texas 75242-0791

Re: Secretary v. Occidental Chemical Corporation
OSHRC Docket No. 88-0594
OSHA Inspection No. 101620532
Case No. 88-00630

Dear Judge LaVecchia:

Enclosed are the original and two copies of the joint motion to dismiss in this matter. Please acknowledge by date-stamping and returning one copy of it in the enclosed envelope.

Respectfully,

A handwritten signature in cursive script, reading "Anthony G. Parham".

Anthony G. Parham
Attorney

Enclosures

✓ cc: Mr. Peter L. de la Cruz
Keller & Heckman
1150 7th Street N.W., Suite 1000
Washington, D.C. 20036

CTL017616

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

ANN MCLAUGHLIN, Secretary of	)	
Labor, United States Department	)	
of Labor,	)	
	)	
Complainant,	)	
	)	OSHRC Docket
v.	)	
	)	No. 88-0594
OCCIDENTAL CHEMICAL CORPORATION	)	
AND ITS SUCCESSORS,	)	
	)	
Respondent.	)	

JOINT MOTION TO DISMISS

Comes now the Complainant and moves to dismiss Citation No. 1, Inspection No. 101620532, wherein an other than serious violation was proposed of 29 CFR 1910.1017(1)(4). Respondent has no objection to Complainant's Motion to Dismiss. The parties agree to bear their own attorney fees and costs.

GEORGE R. SALEM
Solicitor of Labor

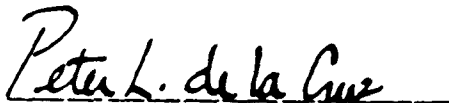
JAMES E. WHITE
Regional Solicitor

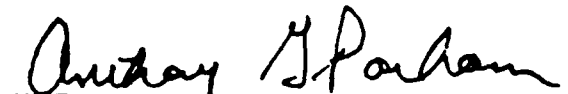
OCCIDENTAL CHEMICAL CORPORATION

JACK F. OSTRANDER
Counsel for Safety and Health

By:

By:


PETER L. DE LA CRUZ
Attorney


ANTHONY G. PARHAM
Attorney

Keller and Heckman
1150 17th St. N. W.
Suite 1000
Washington, D. C. 20036

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

Attorney for Respondent.

Telephone: 214/767-4902

OSHA Inspection No. 101620532
Case No. 88-00630

Attorneys for Complainant.

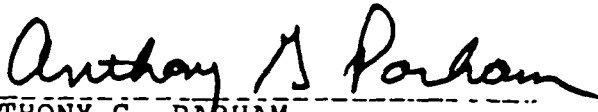
CTL017617

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Joint Motion to Dismiss upon all parties, or party representatives, in this case, by depositing the same in the United States Mail, addressed to:

Mr. Peter L. De la Cruz
Keller & Heckman
1150 7th Street N.W., Suite 1000
Washington, D.C. 20036

Certified this 24th day of October, 1988.



ANTHONY G. PARHAM
Attorney

CTL017618



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1825 K STREET, N.W.
4TH FLOOR
WASHINGTON, D.C. 20006-1246

November 4, 1988

IN REFERENCE TO SECRETARY OF LABOR v.

Occidental Chemical Corporation

OSHRC
DOCKET NO. 88-0594

NOTICE IS GIVEN TO THOSE LISTED BELOW:

Daniel J. Mick, Esq.
Counsel for Regional Trial Litigation
Office of the Solicitor, USDOL
200 Constitution Ave., N.W., Room S4004
Washington, D.C. 20210

James E. White, Regional Solicitor
U. S. Department of Labor
525 Griffin Square Bldg., Suite 501
Griffin & Young Streets
Dallas, TX 75202

Peter L. de la Cruz, Esq.
Keller & Heckman
Suite 1000
1150 17th Street, N.W.
Washington, D.C. 20036

Judge Louis G. LaVecchia
OSHRC
Federal Building, Room 7B11
1100 Commerce Street
Dallas, TX 75242-0791

NOTICE OF DOCKETING

Notice is given that the above case was docketed with the Commission on November 4, 1988. The decision of the Judge will become a final order of the Commission on December 5, 1988 unless a Commission member directs review of the decision on or before that date.

Petitions for discretionary review should be received on or before November 25, 1988 in order to permit sufficient time for their review. See Commission Rule 91, 29 C.F.R. sec. 2200.91.*

All pleadings or other documents that may be filed shall be addressed as follows:

Executive Secretary
Occupational Safety and Health
Review Commission
1825 K St., N.W., Room 401
Washington, D.C. 20006

FOR THE COMMISSION

Ray H. Darling, Jr.

Ray H. Darling, Jr.
Executive Secretary

*A copy of any petition for discretionary review must be served on the Counsel for Regional Trial Litigation, Office of the Solicitor, USDOL, 200 Constitution Ave., N.W., Room S4004, Washington, D.C. 20210. If a Direction for Review is filed the Counsel for Regional Trial Litigation will represent the Department of Labor.

(1/87)

CTL017619