

FILE NAME: Westinghouse (WH)

DATE: 1980 Sept 26

DOC#: WH057

DOCUMENT DESCRIPTION: OSHA Citation

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CITATION and NOTIFICATION OF PENALTY

Suite 4256 - Federal Bldg.
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4933

ISSUANCE	OBSERVATION	
9/26/80	K9034	7
AREA	PAGE	
3	6540	1 of 2

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

INSPECTION DATE:
3/27/80 - 7/10/80

INSPECTION SITE:
Industrial Hwy. Rt. 291
Lester, PA

TO: Mr. M.P. Wirtington, Manager of Safety and Health
WESTINGHOUSE ELECTRIC CORPORATION
Industrial Highway - Route 291
Lester, Pennsylvania 19113

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and Federal holidays) whichever is longer.

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
	the violations described in this citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.		
	Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or were likely to cause death or serious physical harm to employees, in that:	10/28/80	\$8000
a)	Employees whose medical examination results showed serious lung abnormalities were not notified of such abnormalities in writing, when the consulting physician (radiologist) reported such abnormalities:		
	1. Pleural calcifications - suggest the possibility of asbestosis;		
	2. Pleural calcifications and Pleural thickening - findings compatible with asbestosis;		
	3. Chronic obstructive pulmonary disease (asbestosis);		
	4. Chronic obstructive pulmonary disease;		
	5. Pleural thickening;		
	6. Pleural plaquing and Pleural calcifications;		
	7. Diaphragmatic calcification;		
	8. Pleural thickening and volume loss;		
	9. Bilateral interstitial fibrosis and pleural adhesion at both lung bases;		
	10. Moderately extensive bilateral pulmonary fibrosis - suspect presence of linear calcification in diaphragm. Change accompanies asbestosis. (observed 4/25/80, 5/16/80, 6/11/80)		

AREA DESCRIPTION

WALTER E. WILSON, Area Director

NOTICE TO EMPLOYEES - The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

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PLAINTIFF'S
EXHIBIT

WH425

November 1992
STANDARD SUBURBAN

November 1992
IN RE: ALBERMARLS

CITATION and NOTIFICATION OF PENALTY
Suite 4236 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4955

ISSUANCE	OSHA NUMBER
9/26/80	X9034 7
RECORD	AREA PAGE
3	6540 2 of 8

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

INSPECTION DATE:
3/27/80 - 7/10/80
INSPECTION SITE:
Industrial Hwy. Rt. 291
Lester, PA

TO: Mr. M.F. Wittington, Manager of Safety and Health
WESTINGHOUSE ELECTRIC CORPORATION
Industrial Highway - Route 291
Lester, Pennsylvania 19113

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ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PEN
2a	Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or were likely to cause death or serious physical harm to employees, in that: a) "U" Building, Reheater Entry — standard operating procedures providing practices and procedures for employer and employee to follow during entry into confined spaces were not developed, maintained or enforced. Reference: ANSI Z117.1-1977 Section 3.1, 3.4.1, 5.1; NIOSH Criteria for a Recommended Standard: Working in Confined Spaces Section (a) December 1979 Government Printing Office (observed 4/30/80, 4/16/80, 6/4/80) b) "U" Building, Reheater Entry — the employer permitted employees to enter a reheater without the benefit of formal training, including but not limited to: proper entry procedures, the proper use of personal protective equipment including safety harnesses, and respiratory protective equipment the nature of the hazards likely to be encountered during confined space entry including the symptoms and consequences of contaminant overexposure and oxygen deficiency. Reference: ANSI Z117.1 - 1977 Section 3.4.1; NIOSH Criteria for a Recommended Standard: Working in Confined Spaces. Section (5) December 1979 Government Printing Office (observed 4/16/80, 4/30/80, 6/4/80) c) "U" Building, Reheater Entry — the employer permitted employees to enter reheater without performing initial atmospheric testing to determine the presence and concentration of oxygen in the confined space to determine the condition that employees may encounter and to institute any necessary precautions such as mechanical ventilation. Reference: ANSI Z117.1 - 1977 Section 3.1, 4.1.1, 4.2.1, 4.3.1, 4.4.1; NIOSH Criteria for a Recommended Standard Working in Confined Spaces. Section (6) December 1979 Government Printing Office (observed 4/16/80, 4/30/80, 6/4/80)	10/28/80	\$800

AREA DIRECTOR

WALTER E. WILSON, Area Director

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November 1992
UNION REPRESENTATIVE

CITATION and NOTICE OF PENALTY
Suite 4236 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 59784933

DATE	9/26/80	AREA NUMBER	K9034	PAGE	7
REGION	3	AREA	6340	PAGE	3 of 8

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

INSPECTION DATE:
3/27/80 - 7/10/80
INSPECTION SITE:
Industrial Hwy. Rt. 291
Lester, PA

TO: Mr. M.P. Wittington, Manager of Safety and Health
WESTINGHOUSE ELECTRIC CORPORATION
Industrial Highway - Route 291
Lester, Pennsylvania 19113

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d)	"U" Building, Reheater Entry	— the employer permitted employees to enter reheater without making provisions for a standby observer located outside of the confined space, but within visual or voice contact with the person inside the space and with a means of obtaining help and providing assistance in an emergency. Reference: ANSI Z117.1 - 1977 Section 5.3.2 (observed 4/16/80, 4/30/80, 6/4/80)		
e)	"U" Building, Reheater Entry	— the employer permitted employees to enter reheater without making available proper and necessary rescue equipment including but not limited to self-contained breathing apparatus and safety belt, harness or wristlets. Reference: MIOOSH Criteria for a Recommended Standard: Working in Confined Spaces, December 1979. Government Printing Office, December 1979 (observed 4/16/80, 4/30/80, 6/4/80)		
f)	"U" Building, Reheater Entry	— the employer permitted employees to enter reheater without enforcing the completion and posting of signed entry permit to insure that a qualified person had evaluated the work to be done and all existing hazards and necessary protective measures be taken to insure the safety of each worker including but not limited to lockout or isolation of equipment, atmospheric testing, special protective equipment, employee training and standby personnel. Reference: ANSI Z117.1 - 1977 Section 5.1, 5.3.1; MIOOSH Criteria for a Recommended Standard: Working in Confined Spaces. Section 3, December 1979. Government Printing Office (observed 4/16/80, 4/30/80, 6/4/80)		

AREA DIRECTOR

WALTER F. WILSON, Area Director

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CITATION and NOTIFICATION OF PENALTY

Suite 4256 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4933

ISSUANCE 9/26/	OSHA NUMBER K9034 7
REGION 3	PAGE 4 of 8

TYPE OF VIOLATION(S)	CITATION NO
Willful	2

INSPECTION DATE:

3/27/80 - 7/10/80

INSPECTION SITE:

Industrial Hwy. Rt. 291
Lester, PA

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TO:

Mr. M.P. Wittington, Manager of Safety and Health
WESTINGHOUSE ELECTRIC CORPORATION
Industrial Highway - Route 291
Lester, Pennsylvania 19113

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ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
2b	29 CFR 1910.145(c)(2): Caution signs were not used to warn against potential hazards and caution against unsafe practices: a) "Up Building, Reheater Entry - signs stating DANGER CONFINED SPACE ENTRY IN PROGRESS DO NOT ENTER OR MOVE THIS REHEATER WITHOUT ENTRY PERMIT were not used. Reference: NIOSH Criteria for a Recommended Standard; Working in Confined Spaces. Section (7) December 1979. Government Printing Office (observed 4/16/80, 4/30/80, 6/4/80)	10/28/80	
3	29 CFR 1904.2(a): The log and summary of occupational injuries and illnesses (OSHA Form No. 200 or its equivalent) was not completed in the detail provided in the form and the instructions contained therein: a) Illnesses arising from occupational exposure to asbestos were not recorded (observed 5/16/80) 1. Seven cases indicating pleural calcifications suggesting the possibility of asbestosis were not recorded; 2. Six cases indicating pleural calcifications and pleural thickening - findings compatible with asbestosis were not recorded; 3. One case indicating chronic obstructive pulmonary disease (asbestosis) was not recorded; 4. Two cases indicating chronic obstructive pulmonary disease were not recorded; 5. Nine cases indicating pleural thickening were not recorded;	10/28/80	\$3

AREA DIRECTOR

WALTER E. WILSON, Area Director

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November 1992

STANDARD ALPHABETICS

CITATION and NOTIFICATION OF PENALTY

Suite 4256 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4955

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

ISSUANCE DATE 9/26	OSHA NUMBER K9034 7
REGION 3	AREA E540
	PAGE 5 of 8

INSPECTION DATE:
3/27/80 - 7/10/80

INSPECTION SITE:
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Lester, PA

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ITEM NUMBER STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENAL
6. One case indicating pleural plaquing and pleural calcification was not recorded;		
7. One case indicating diaphragmatic calcification was not recorded;		
8. One case indicating interstitial fibrosis and pleural adhesions at both lung bases was not recorded;		
9. One case indicating pleural thickening and volume loss was not recorded;		
10. One case of moderately extensive bilateral pulmonary fibrosis; suspect presence of linear calcification in diaphragm. Change accompanies asbestosis.		
b) Cases of Occupational Hearing Loss were not recorded (observed 5/16/80)		
29 CFR 1910.95(a): Protection against the effects of noise was not provided for employee(s) exposed to sound levels which exceeded those listed in Table G-16 of subpart G of 29 CFR part 1910:	10/6/80 Step 1	\$8000
a) "B" Plant, NE-5 -- maintenance mechanic operating jackhammer (Serial Number R47956) (observed 4/10/80)	12/30/80 Step 2	
b) "B" Plant, SA-20 -- shot blast operator inside "Wheelabrator" Blast Chamber (Serial Number 18859) (observed 4/10/80)	3/31/81 Step 3	
c) "B" Plant, SF-6 -- sheet metal worker on 501 stainless steel transitions; also operating pneumatic handgrinder (KU) (Serial Number 1353) (observed 5/15/80)		

AREA DIRECTOR

WALTER E. WILSON, Area Director

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NOVEMBER 1992
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booklet)

This Section
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CITATION and NOTIFICATION OF PENALTY

Suite 4256 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4955

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

ISSUANCE 9/26	OSHA NUMBER E9034 7
REMARKS 3	AREA 6540
	PAGE 6 of 8

INSPECTION DATE:
3/27/80 - 7/10/80

INSPECTION SITE:
Industrial Hwy. - Rt. 291
Lester, PA

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TO: Mr. M.P. Hittington, Manager of Safety and Health
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Industrial Highway - Route 291
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ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENAL
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4b
29 CFR 1910.95(b)(1): Employee(s) were subjected to sound levels exceeding those listed in Table G-16 of subpart G of 29 CFR part 1910 and feasible administrative or engineering controls were not utilized to reduce sound levels:

- "U" Building, CS-31 - chipper inside MSR 3855-28 GR4 operating a "Roco" pneumatic handgrinder E-62598 (Serial Number 325377) (observed 4/9/80)
- "B" Plant, ME-5 - maintenance mechanic operating jackhammer (Serial Number R47956) (observed 4/10/80)
- "B" Plant, SF-6 - sheet metal worker on 501 stainless steel transitions; also operating pneumatic handgrinders: (KW) (Serial Number 1353 and 2433878) (observed 5/15/80)

1/30/81

4c
29 CFR 1910.95(b)(3): Sound levels exceeded the values in Table G-16 of subpart G of 29 CFR 1910 and a continuing, effective hearing conservation program was not administered:

- Audiograms for employees exposed to noise levels in excess of the standard were not provided annually (observed 5/10/80)
- Retesting was not conducted within 30 days when a significant threshold shift occurred, or when such a recommendation was made by otolaryngologist or qualified physician (observed 5/10/80)
- Hearing Protection Required Areas were not posted and use of Personal Protection Equipment was not enforced (observed 5/10/80)
- Employees did not receive instructions in care and use of hearing protection
- Employees were not notified of hearing loss, when such a loss was indicated on the audiograms (observed 5/10/80)

10/23/80

AREA DIRECTOR

WALTER E. VILSON, Area Director

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November 1992

STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION

November 1992
UNION PUBLIC AFFAIRS

CITATION and NOTIFICATION OF PENALTY

Suite 4256 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4955

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

ISSUANCE	DATA NUMBER	
9/24	89034	7
REGION	AREA	PAGE
3	5540	7 of 8

INSPECTION DATE:

3/27/80 - 7/10/80

INSPECTION SITE:

Industrial Hwy. - Rt. 291
Lester, PA

TO:

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Lester, Pennsylvania 19113

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STATEMENT NOTE: An effective hearing conservation program shall include, at a minimum:

- 1) A baseline audiogram for all employees exposed to noise levels equal to or in excess of the standard.
- 2) Periodic audiograms for each overexposed employee.
- 3) Analysis of audiogram results with retesting and/or referral to an otolaryngologist or qualified physician when a significant threshold shift occurs. A significant shift will be considered to be equal to or greater than 20 dB at any test frequency.
- 4) Where insert ear plugs or custom-molded devices other than self-fitted, malleable plugs are utilized, individual employee fitting shall be conducted by a trained person, and employees shall be instructed in the care and use of the devices.

The combination of the above alleged violations affected the overall gravity of possible illness and contributed to the serious nature of the alleged violation.

Step 1 - Effective personal hearing protection shall be provided and used by employee(s) as an interim protective measure.

Step 2 - Submit to the Area Director a written detailed plan of abatement outlining a schedule for the implementation of engineering and/or administrative measures to control employee exposures to noise as referenced in this citation. The plan shall include, at a minimum, target dates for the following actions which should be consistent with the dates required by this citation:

- a) Evaluation of the extent and location of the hazard source;

AREA DIRECTOR

WALTER E. WILSON, Area Director

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PENALTY ARE ONE WITHIN DAYS OF RECEIPT OF THIS NOTICE UNLESS CONTEST (See earlier Booklet)
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CITATION and NOTIFICATION OF PENALTY

Office 4256 - Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106
(215) 597-4953

ISSUANCE 9/26/80	OSHA NUMBER K9034 7
REGION 3	AREA 6540
	PAGE 8 of 8

TYPE OF VIOLATION(S)	CITATION NO.
Willful	2

INSPECTION DATE:

3/27/80 - 7/10/80

INSPECTION SITE:

Industrial Hwy. Rt. 291

Lester, PA

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Industrial Highway - Route 291
Lester, Pennsylvania 19113

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED; DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
	b) Evaluation of control measure options; c) Selection of optimum control method(s); d) Determination of control measure design; e) Ordering and delivery of equipment and materials; f) Installation of control measures; g) Training of employees in proper operation and maintenance of newly implemented control measures; and h) Assurance of effective performance of control measures. All proposed control measures shall be evaluated for each particular use by a technically qualified person. Ninety (90) days progress reports are required during the abatement period. Step 3 - Correction shall be completed by the implementation of feasible engineering and/or administrative controls and their effectiveness at achieving compliance verified.		

AREA DIRECTOR

WALTER E. WILSON, Area Director

NOTICE TO EMPLOYEES - The law gives an employee or his representative the opportunity to object to any abatement date for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION - The enclosed booklet outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

TOTAL
F0
\$24
Make
Order
"OS
Index
on 1

November 1992

IN THE AIRWAYS

Westinghouse
Electric Corporation

Westinghouse Building
Gateway Center
Pittsburgh, Pennsylvania 15222

October 13, 1980

Mr. Walter E. Wilson
OSHA Area Director
Suite 4256, Federal Building
600 Arch Street
Philadelphia, PA 19106

Dear Sir:

Westinghouse Electric Corporation hereby files a Notice of Contest in connection with the Citation and Notification of Proposed Penalty No. K9034-7 issued September 26, 1980. Citation No. 1, Items 1 through 29 and their subparts, alleges 29 serious violations of the occupational safety and health standards and proposes penalties totaling \$25,640. Citation No. 2, Items 1 through 4 and their subparts, alleges four willful violations of the occupational safety and health standards and proposes penalties totaling \$24,800. Citation No. 3, Item 1 and its subparts, alleges one repeat violation totaling \$2,000. Citation No. 4, Items 1 through 4 and their subparts, alleges four nonserious (other) violations of the occupational safety and health standards and proposes penalties totaling \$660. It is the Corporation's intention to contest all aspects of the referenced citations and penalty notices.

Please address all notices and correspondence in connection with this matter to me.

Very truly yours,

James E. Ford

James E. Ford
Attorney
(412) 255-3772

JEF:mjm

cc B. G. Riechers
H. W. Hosford
M. P. Whittington
P. Palmeiri

U.S. DEPT. OF LABOR
OSHA-AREA OFFICE
PHILADELPHIA, PA.
Oct 15 9 28 AM '80

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