PLAINTIFF'S EXHIBIT

CT-1134

Harry S. Sachlar, Area Director
Suite 4480 William J. Green,
Jr. Federal Building
[illegible] Street
Philadelphia, PA 19106

(215) 597-4955

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CERTAIN-TEED PRODUCTS CORPORATION
Pipe & Plastic Group
South Main & Randolph Streets
Ambler, Pennsylvania 19002

3. Citation Number 1

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TYPE OF ALLEGED VIOLATION(S): Non-Serious

An inspection was made on 7. July 25, 19 74 of a place of employment located at:
South Main & Randolph Streets, Ambler, PA and described as follows
manufacturer of asbestos-cement pipe

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
16	29 CFR 1910.93a (h)(1)	External surfaces, in the following locations were not maintained free of accumulations of asbestos fibers which, with their dispersion, would result in an excessive airborne concentration: a) scrap pipe crusher area	Immediately upon receip of citation

CTD027892

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 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.

"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(c)(1) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651, 660(c)(1).

*Under the Occupational Safety and Health Act, the term "Working Day" means Mondays through Fridays but does not include Saturdays, Sundays, or Federal Holidays

14. Area Director's Signature [signature] Issuance Date August 8, 19 74

Form OSH

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 di 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 substa tial probability that death or serious physical harm could result from a condition which exists, or from one or mo practices, means, methods, operations, or processes which have been adopted or are in use, in such place of empl ment 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 intentio and knowing violation of the Act and the employer is conscious of the fact that what he is doing constitutes a vi lation of the Act, or (2) even though the employer was not consciously violating the Act, he was aware that a he ardous 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, 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 show at the top of front page of this form. In correspondance, please refer to the OSHA-1 No. which appears in the u right-hand corner of front page of this citation.

CTD027893

Page of OSHA

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration

Harry S. Sackman, Area Director
Suite [illegible], William J. Green,
Jr. Federal Building
[illegible] Arch Street
Philadelphia, PA 19106

(215) 597-4955

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To: Mr. Henry Benhardt, Plant Manager
CERTAIN-TEED PRODUCTS CORPORATION
Pipe & Plastic Group
South Main & Randolph Streets
Ambler, Pennsylvania 19002

3. Date August 8, 1974

THERE IS NO REQUIREMENT THAT THIS NOTIFICATION BE 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 issue decisions respecting citations and proposed penalties*) and not subject to review by any court or agency unless, within 15 working days from the date of receipt of this notification, you submit a letter of contest. The letter of contest should be mailed or otherwise delivered to the Area Director named below at the address shown at the top of this notification. If no notice of contest is filed within the 15 working day period the proposed penalty(ies) becomes final 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 into 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."

4. On the 8th day of August, 1974, a citation(s) was issued to you in accordance with the provisions of Section 9(a) of the Occupational Safety and Health Act of 1970 (84 Stat. 1601; 29 U.S.C. 651, et seq.) hereinafter referred to as the Act. You were thus 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 10(a) of the Act, the penalty(ies) set forth below is/are being proposed, based on the citation(s).

5. Non-Serious VIOLATIONS

5A. Citation No.	5B. Item No.	5C. Proposed Penalty
1	1	$ 40.00
1	2	$ - 0 -
1	3	$ - 0 -
1	4	$ - 0 -
1	5	$ 40.00
1	6	$ - 0 -
1	7	$ - 0 -
1	8	$ - 0 -
1	9	$ - 0 -
1	10	$ - 0 -
1	11	$ - 0 -
1	12	$ - 0 -
1	13	$ - 0 -
1	14	$ - 0 -
1	15	$ - 0 -
1	16	$ 40.00

6. VIOLATIONS

6A. Citation No.	6B. Item No.	6C. Proposed Penalty

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7. Total Proposed Penalty for All Alleged Violations $ 120.00

Area Director 8. [signature] Date August 8, 1974

The proposed penalty for Nonserious Violations of safety and health standards reflects a 50 percent adjustment factor for corrective action to be taken within the period prescribed in the citation. If a particular alleged violation is not corrected within this period, the 50 percent adjustment will be added to such other penalty as may subsequently be proposed for failure to correct a violation within the abatement period. No abatement credit is allowed for violations of recordkeeping or posting requirements.