

**PLAINTIFF'S
EXHIBIT**

TPI-15

**U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION
ROOM 208, FEDERAL BUILDING
211 W. FERGUSON STREET**

(214) 595-2438

Tyler, Texas 75701

May 17, 1978

Mr. J. Warner, President
Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75710



Dear Mr. Warner:

The enclosed Amended Citations and Notification of Proposed Penalty are being issued in order to change the wording of certain items in Citations 1 and 2 and also to amend the abatement dates of certain items in Citations 1 and 2. Please note that there is no change in the proposed penalties.

You are required to post the Amended Citation and Notification of Proposed penalty in the same manner as the original citation, and you will have a period of 15 working days from the receipt of the enclosed Amended Citation and Notification of Proposed Penalty to contest the violation, the proposed penalty or both.

If you have any questions, please feel free to contact this office.

Sincerely,


ROBERT B. SIMMONS
Area Director

Enclosure

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
208 Federal Building
Tyler, TX 75702

ISSUANCE DATE	OSHA NUMBER
05/17/78	R5407-027
REGION	AREA
06	7070
	PAGE
	1 OF 1

TYPE OF VIOLATION(S)	CITATION NO.
Serious	1

Citation issued on 5-8-78 is Amended:

TO Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75710

Attn: J. Warner, President

INSPECTION DATE:

11/15/77

INSPECTION SITE:

Hwy 69 N

Tyler, TX

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.

PENALTIES ARE DUE WITHIN 15 DAYS OF RECEIPT OF THIS NOTIFICATION UNLESS CONTESTED (See enclosed Booklet)

This Section Must Be Detached Before Posting

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.)

CITATION NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED.	DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
1.	(Deleted and revised as follows, abatement date modified)			
	29 CFR 1910.132(a):	Protective equipment was not used where it was necessary by reason of hazards encountered in a manner capable of causing injury or impairment in the function of any part of the body:	06/19/78	
		Muller operator, North Plant, exposed to phenolic flake resin via		
		a. Whole body skin contact through his clothing.		
		b. Eye contact through safety glass by-pass.		
		c. Hand contact through poor glove maintenance and/or work without gloves.		

AREA DIRECTOR

ROBERT B. SIMMONS

NO CHANGE IN
PENALTY

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 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.

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.

TOTAL PENALTY FOR THIS CITATION
Make check or M.O.
Order Payable to
"DOL-OSHA"
Indicate OSHA
on Remittance

CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
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ISSUANCE DATE	OSHA NUMBER	
05/17/78	R5407-027	
REGION	AREA	PAGE
06	7070	1 OF 2

TYPE OF VIOLATION(S)	CITATION NO.
REPEAT	2

Citation issued 5-8-78 is Amended:

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P. O. Box 2027
Tyler, TX 75710

Attn: J. Warner, President

INSPECTION DATE:

11/15/78

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ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED	DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
1A.	(Deleted and revised as follows)			
	29 CFR 1910.1000(c):	Employee(s) were exposed to material(s) in excess of the 8-hour time weighted average limit(s) listed for that material(s) in table Z-3 of subpart Z of 29CFR Part 1910.		
		Respirable dust containing silica located in the following areas of the North Plant:		
		a. Hub core machine operators		
		b. Core machine operators (adjacent to wheel area)		
		c. Muller operator		
1B(1)	(Deleted and revised as follows)			
	29 CFR 1910.134(a)(2):	Respirators were not provided by the employer when such equipment was necessary to protect the health of the employee(s):		
		In the North Plant for operators of hub cor and cor machines who are exposed to respirable dust containing silica.		
1B(2)	(Item 9 deleted and revised as follows)			
	29 CFR 1910.134(b)(10):	Persons were assigned to tasks requiring use of respirators and it had not been determined that they were physically able to perform the work and use the equipment, and the respirator user's medical status was not reviewed periodically (for instance annually):		
		Muller operator in the North Plant who is overexposed to respirable dust containing silica.		
1C	(Deleted and revised as follows, abatement dates modified)			
	29 CFR 1910.100(e):	Feasible administrative or engineering controls were not determined and implemented to reduce employee exposure(s):		
		Respirable dust containing silica for operators of the		

AREA DIRECTOR
ROBERT B. SIMMONS

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U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
208 Federal Building
Tyler, TX 75702

1 ISSUANCE DATE	2 OSHA NUMBER	
05/17/78	R5407-027	
3 REGION	4 AREA	5 PAGE
06	7070	2 OF 2

TYPE OF VIOLATION(S)	CITATION NO.
REPEAT	2

Citation issued 5-8-78 is amended:

TO: Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75710

Attn: J. Warner, President

INSPECTION DATE:
11/15/78

INSPECTION SITE
Hwy 69 N
Tyler, TX

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PENALTIES ARE DUE WITHIN 15 DAYS OF RECEIPT OF THIS NOTIFICATION UNLESS CONTESTED (See enclosed Booklet)

This Section May Be Detached Before Posting

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1 EM NUMBER	2 STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED.	3 DESCRIPTION	4 DATE BY WHICH VIOLATION MUST BE CORRECTED	5 PENALTY
	following machines or lines of machines in the North Plant:			
	a. Hub core			
	b. Core machine			
	c. Muller			
STEP 1			06/19/78	
STEP 2			7/31/78	
STEP 3			9/29/78	

AREA DIRECTOR

ROBERT B. SIMMONS

NO CHANGE IN PENALTY

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CITATION and NOTIFICATION OF PENALTY

Tyler Area Office
208 Federal Building
Tyler, TX 75702

ISSUANCE DATE 05/08/78		OSHA NUMBER R5407-027	
REGION 06	AREA 7070	PAGE 1 OF 3	

TYPE OF VIOLATION(S) REPEAT	CITATION NO. 2
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INSPECTION DATE:

11/15/78

INSPECTION SITE:

Hwy 69 N

Tyler, TX

TO: Tyler Pipe Industries, Inc
P. O. Box 2027
Tyler, TX 75710

Attn: J. Warner, President

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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. 1A. 29 CFR 1910.1000(c): Employee(s) were exposed to material(s) in excess of the 8-hour time weighted average limit(s) listed for that material(s) in table Z-3 of subpart Z of 29 CFR part 1910: Quartz (silica) located in the following areas of the North Plant: a. Hub core machine operators b. Core machine operators (adjacent to wheel area) c. Muller operator 1B(1) 29 CFR 1910.134(a)(2): Respirators were not provided by the employer when such equipment was necessary to protect the health of the employee(s): In the North Plant for operators of hub core and core machines who are exposed to silica dust. 1B(2). 29 CFR 1910.134(a)(2): The employer did not establish and maintain a respiratory protection program which included the requirements outlined in paragraph (b) of this section: 29 CFR 1910.134(b)(1): Written standard operating procedures governing the selection and use of respirators were not established: 29 CFR 1910.134(b)(3): The users of respirators were not instructed and trained in the proper use of respirators and their limitations: 29 CFR 1910.134(b)(5): Respirators were not regularly cleaned and disinfected: 29 CFR 1910.134(b)(5): Respirators issued for the exclusive use of one worker were not cleaned after each day's use, or more often	See Below	\$2,000.00

AREA DIRECTOR

ROBERT B. SIMMONS

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CITATION and NOTIFICATION OF PENALTY

1 ISSUANCE DATE		2 OSHA NUMBER	
05/08/78		R5407-027	
3 REGION		4 AREA	5 PAGE
06		7070	2 OF 3

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TYPE OF VIOLATION(S)	CITATION NO.
REPEAT	2

11/15/77
INSPECTION SITE:
Hwy 69 N
Tyler, TX

TO: Tyler Pipe Industries, Inc.
P. O. Box 2027
Tyler, TX 75710

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
	if necessary:		
29 CFR 1910.134(b)(6):	Respirators were not stored in a convenient, clean and sanitary location:		
29 CFR 1910.134(b)(7):	Respirators used routinely were not inspected during cleaning and worn or deteriorated parts replaced:		
29 CFR 1910.134(b)(9):	There were no regular inspections and evaluations to determine the continued effectiveness of the respirator program.		
29 CFR 1910.134(b)(10):	Persons were assigned to tasks requiring use of respirators and it had not been determined that they were physically able to perform the work and use the equipment, and the respirator user's medical status was not reviewed periodically (for instance annually):		
	Muller operator in the North plant who is overexposed to Quartz (silica).		
1C.			
29 CFR 1910.1000(e):	Feasible administrative or engineering controls were not determined and implemented to reduce employee exposure(s):		
	Quartz (silica) for operators of the following machines or lines of machines in the North Plant:		
	a. Hub core		
	b. Core machine		
	c. Muller		
STEP 1 -	Effective respiratory protection shall be provided and used by employee(s) as an interim protective measure.	Immediately	
STEP 2 -	A written detailed plan of abatement leading to the complete abatement of this item shall be submitted to the Area Director. Such a plan shall: a) employ the use of qualified engineering personnel; b) include detailed engineering	06/30/78	

ROBERT B. SIMMONS

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ISSUANCE DATE 05/08/78		OSHA NUMBER R5407-027	
REGION 06	AREA 7070	PAGE 3	OF 3

TYPE OF VIOLATION(S) REPEAT	CITATION NO. 2
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INSPECTION DATE:

11/15/77

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ITEM NUMBER	STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	DATE BY WHICH VIOLATION MUST BE CORRECTED	PENALTY
	studies and their results; c) outline the ordering of equipment and materials and completion of the design phase; and d) outline dates for the anticipated implementation of the plan.		
	STEP 3 - Feasible engineering controls and/or administrative controls shall be determined.	08/30/78	
	STEP 4 - Abatement shall be completed by implementation of feasible engineering and/or administrative controls and its effectiveness at achieving compliance verified. 90-day progress letters are requested during the abatement period.	05/01/79	

AREA DIRECTOR

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