

U.S. Department of Labor
Houston Area Office
2320 LaBranch, Room 1103
Houston, Texas 77004

Occupational Safety and Health Administration

Reply to the Attention of:

PLAINTIFF'S
EXHIBIT
DUP-1950

December 12, 1983

Mr. Carl Gant
B. F. Shaw Construction Company
c/o Dupont de Nemours E. I. and Co., Inc.
Old Beaumont Highway 347
Beaumont, Texas 77704

RE: C4628

Dear Sir:

On November 18, 1983, the Occupational Safety and Health Administration (OSHA) received a complaint concerning health hazards at your worksite at Dupont de Nemours E. I. and Co., Inc., Polymer Products Department, Highway 347, Beaumont, Texas. The specific nature of the complaint involves employee(s) being exposed to asbestos. Reference 29 CFR 1910.1001 - Asbestos and 29 CFR 1910.134 - Respiratory Protection. If feasible administrative and/or engineering controls can not be implemented to reduce employee(s) exposure(s), effective respiratory protection shall be provided and used by employee(s).

We have not determined whether the hazards, as alleged, exist at your workplace and we are not conducting an inspection at this time. However, since allegations of violations have been made, you should investigate the alleged condition(s) and make any necessary corrections or modifications. Within 30 calendar days of your receipt of this letter please advise me in writing of your findings and of the action you have taken. Your response should be detailed, stating specifically what action you have taken to correct any hazards. You should enclose any supporting documentation on the action you have taken, such as monitoring results, new equipment, orders and the like, as well as photograph(s) of the corrected condition.

The complainant has been advised of this preliminary response to the complaint and furnished a copy of this letter. Section 11(c) of the Occupational Safety and Health Act of 1970 provides that "No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint . . . or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

This letter is not a citation nor is it a notification of proposed penalty which, according to the OSHA Act, may be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 30 calendar days indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

In addition, OSHA's policy is to select for inspection a random sample of cases where we have received letters in which employers have indicated satisfactory corrective action to assure that the employer has actually taken

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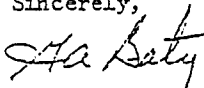
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the action asserted in his letter. Finally, any action taken by you in this matter will not automatically remove your workplace from the possibility of an unannounced inspection by duly authorized representatives of OSHA in accordance with routine scheduling procedures currently in effect.

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by all of your employees. A copy of your letter of response and any subsequent correspondence will be sent to the complainant.

If you have any questions concerning this matter, please contact our office. Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,



GERALD A. BATY
Area Director

Enclosures

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