



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
6525 BELCREST ROAD, SUITE 1005
HYATTSVILLE, MARYLAND 20782
(301) 436-8870

DEC 8 1976

Erie

Marshall H. Harris, Regional Solicitor
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3535 Market Street
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Attn: Howard K. Agran, Esq.

Christopher J. Wallen, President
UPIU, Local 1281
167 East 37 Street
Erie, Pennsylvania 16504

William Fassuliotis, P.E.
Director - Safety & Security
140 West 51 Street
New York, New York 10020

Re: Secretary of Labor v. GAF Corporation
Docket No. 76-3747

Gentlemen:

Please find enclosed an Order entered in the referenced matter
this date.

Very truly yours,

William E. Brennan
WILLIAM E. BRENNAN
Judge, OSHRC

cc: Docket No. 76-3747

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prior to the date this case is set for hearing. Thereafter, fully executed Settlement documents, complying with the requirements set forth in Secretary of Labor v. Dawson Brothers Mechanical Contractors, 1 OSAHRC 386 (February 22, 1972), shall be filed, so as to be RECEIVED in this office, 30 days from the date set forth in paragraph 1 hereof.

William E. Brennan
WILLIAM E. BRENNAN
Judge, OSHRC

Dated: DEC 8 1973
Hyattsville, Maryland

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UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR :
Complainant :
v. : PREHEARING ORDER
GAF CORPORATION : DOCKET NO. 76-3747
Respondent :

Pursuant to the provisions of the Administrative Procedure Act and the Rules of Procedure of the Occupational Safety and Health Review Commission (29 CFR 2200.1 et seq.), the parties herein are hereby directed as follows:

1. The hearing in this matter is hereby scheduled to commence at 10:00 a.m., February 3, 1977, at the Erie County Courthouse, 140 W. Sixth Street, Erie, Pennsylvania. All parties are to report to the Court Administrator's Office, room 214, for courtroom designation.
2. Each of the parties shall exchange by mail postmarked not later than January 21, 1977, the following material:
 - a. The name and address of each witness it proposes to produce and a brief summary of the testimony such witness is expected to furnish.
 - b. The name, address and curriculum vitae of each expert witness it proposes to produce; a brief summary of the testimony

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he is expected to furnish; the titles and dates of his publications and a copy of each of such publications upon which he will rely or to which he will refer.

c. A copy of each document which it proposes to offer in evidence.

3. Each of the items, 1a through c, shall also be mailed to the undersigned under the same postmark.
4. For use at the hearing, the original and four copies of each document shall be made available.
5. Each party shall exchange by mail, to be postmarked not later than the date set forth in paragraph 2 hereof, its formulation of the issues to be tried at the hearing, with a copy to the undersigned. In formulating the issues, the employer (Respondent) should list each item in the Citation and in the Notification of Proposed Penalty which such employer intends to contest.
6. All motions and communications with respect to this case should hereinafter be addressed to the undersigned.
7. Both parties shall communicate with each other before the hearing herein to ascertain whether any settlement, stipulations, or admissions are possible.
8. The parties shall be prepared, at the commencement of the hearing, to stipulate the admission of facts and documents about which there can be no reasonable dispute, including but not limited to the following:

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- a. The full and accurate legal name of the Respondent; if incorporated, the State of its incorporation and the location of its principal office.
- b. Facts and circumstances which would indicate whether the Respondent was engaged in a business affecting commerce at the time of the alleged violation.
- c. The fact of employment by the Respondent of any person injured at the time and place of the alleged violation.
- d. The ownership or control by Respondent of any equipment or machinery, the use or condition of which is referred to in the Citation.
- e. The relative size of the Respondent's business during the year of the alleged violation compared to that of other companies engaged in a similar business in the same general area.
- f. The average daily number of employees of the Respondent for the current year.
- g. Respondent's total sales for the year preceding the year in which the alleged violation took place.
- h. The history, if any there be, of previous violations by the Respondent of laws or regulations affecting the health or safety of employees.
- i. The authenticity of any document or writing which the parties propose to offer.

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- j. Any other fact or matter not in dispute which may aid in the expeditious disposition of this proceeding.
9. If agreement is not reached on any of the above items, the parties shall be prepared to produce evidence thereon.
 10. The employer is hereby required to post notice of the time and place of the hearing in order to afford affected employees or their representatives, an opportunity to participate as parties therein. It is suggested that this posting should be made in a manner consistent with the notice requirements of 29 CFR 1903.16.
 11. If there is no disagreement among the parties of record as to all essential facts, and the dispute herein involves only a question or questions of law, said parties may submit a joint stipulation as to said facts and a waiver of the right to a hearing. Thereafter, said parties shall submit their briefs on the contested legal issues and a decision will be rendered upon the written record and briefs.
 12. If the foregoing method of determining the contested legal issues in this case is selected by the parties, the joint stipulation of facts shall be mailed to the undersigned on or before the date set out in paragraph number 2 hereof, and briefs shall be filed no later than thirty days thereafter.
 13. If this case is settled, written notice thereof shall be mailed, so as to be RECEIVED in this office, on or before three days

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