

UNION CARBIDE CORPORATION  
OLD RIDGE BLVD ROAD, DANBURY CONN 06817  
LAW DEPARTMENT

OVERNIGHT DELIVERY

August 24, 1984

AUG 24 1984

R. Harrison, Esq.  
Baker & Botts  
One Shell Plaza  
Houston, TX 77002

PLAINTIFF'S  
EXHIBIT  
UC-1179

RE: Secretary of Labor v.  
Union Carbide Corporation  
Texas City, Texas  
OSHA #84-0705

Dear Ross:

Enclosed is a copy of the index to my file in the above-described case. Unfortunately, the file was sent directly to Lee Rosenthal, Esq. by virtue an uncountermanded directive from me given prior to our discussion on Wednesday.

I hope this fact does not inconvenience you too much and that you can retrieve the file from Lee.

Lee and I had tentatively scheduled a meeting at the Baker & Botts office on August 29, 1984 to review the citation and our proposed defense strategy. We intended to extend an invitation to Mr. F. Provenzano, the Plant Manager, who has been very interested in this matter, to attend the meeting.

Your participation in this meeting will, of course, be helpful. As a result, if we need to reschedule, please call me as soon as possible.

In the interim, if you have any questions, please feel free to call. I am

Sincerely yours,

Betty-Lynn White

BLW/nc  
Enclosure

cc: F. Provenzano

UCTC 21109

UUTC21110

| NO. | DATE    | ATTACHMENT<br>DATE | FROM                                     | TO                                      | SUBJECT                                                                                                                                                                      |
|-----|---------|--------------------|------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   |         |                    | J.R. Dement<br>F.S. Provenzano           |                                         | UCC; Solvents & Coatings<br>Materials Division, Texas<br>City. Final Investigation Team<br>Fatality Report                                                                   |
| 2   | 4/13/84 |                    | F.S. Provenzano<br>W.P. Nickles          |                                         | Preliminary Report -<br>Texas City Plant Fatality<br>(Duplicate attached)                                                                                                    |
| 3   | 4/15/84 |                    | F.S. Provenzano                          | R.P. Lawlor<br>B.L. White,<br>(et. al.) | Selection of Accident<br>Investion Team for 4/13/84<br>fatality in the Texas City Plant                                                                                      |
| 4   | 4/15/84 |                    | F.S. Provenzano                          | R.P. Lawlor, (et.al.)<br>B.L. White     | Selection of Accident<br>Investigation Team for 4/13/84<br>fatality in the Texas City Plant                                                                                  |
| 5   | 4/16/84 |                    | C.B. Eley                                | R.P. Lawlor, (et.al.)                   | Fatality Report re: R.G. Moreno                                                                                                                                              |
| 6   | 4/17/84 |                    | Toni Shannon<br>Public Affairs<br>Admin. | Press Release                           | Draft of Press Release and<br>obituary re: R.G. Moreno - also<br>attached is a draft letter to<br>all employees                                                              |
| 7   | 4/17/84 |                    |                                          |                                         | R.P. Lawlor - Handwritten notes<br>regarding the Moreno case.<br>Discussions held with plant<br>managers - advised of course of<br>action to be taken regarding<br>this case |
| 8   | 4/17/84 |                    | W.P. Nickles                             | G.J. Triplett                           | Letter enclosing documents as<br>per request                                                                                                                                 |

| NO. | DATE    | ATTACHMENT<br>DATE | FROM                                | TO                                           | SUBJECT                                                                                                      |
|-----|---------|--------------------|-------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------|
|     |         | 4/14/84            | T.B. Shannon<br>Public Affairs Adm. | Press Release                                | Press Release - Obituary -<br>Ramiro Gonzalez Moreno                                                         |
|     |         | 4/16/84            | F.S. Provenzano                     | All Employees                                | Notice to Employees -<br>Information regarding fatality<br>and funeral arrangements                          |
|     |         | 3/30/84            | T.L. Adcock                         | Mobile Air Condi-<br>tioning, Inc.<br>(MACI) | Notice to extend contract<br>No. 515-018940-4 (copy<br>attached)                                             |
|     |         | 3/30/84            | R.W. Gerber                         | Mobile Air<br>Conditioning, Inc.<br>(MACI)   | Full Contract with MACI.<br>No. 515-018 940-4                                                                |
|     | undated |                    |                                     |                                              | Photographs of accident site                                                                                 |
| 9   | 4/19/84 |                    | R.P. Lawlor                         | Memo to File                                 | Handwritten notes - Information<br>received by G. Triplett<br>regarding the functioning of<br>MACI equipment |
|     |         | 4/19/84            | R.P. Lawlor                         | Report for Stock-<br>holders annual meeting  | Summary of Moreno case                                                                                       |
| 10  | 4/19/84 |                    | W.P. Nickles                        | S. Footer<br>J. Leverton                     | Handwritten notes discussing<br>equipment and standards, OSHA<br>visits, legal personnel                     |
| 11  | 4/19/84 |                    | P. Coleman                          | R.L. Doan                                    | Transmittal note re: attached<br>report to stockholders of<br>Moreno Incident                                |
|     |         | 4/19/84            | R.P. Lawlor                         |                                              | Report for Stockholders Annual<br>meeting of Moreno Incident                                                 |

UCTC 21111

| NO. | DATE    | ATTACHMENT<br>DATE | FROM            | TO                            | SUBJECT                                                                                                |
|-----|---------|--------------------|-----------------|-------------------------------|--------------------------------------------------------------------------------------------------------|
| 12  | 4/20/84 |                    |                 |                               | Handwritten notes re: Texas City Fatality                                                              |
| 13  | undated |                    | J.P. Leverton   |                               | Log of Interactions with OSHA concerning R.G. Moreno fatality                                          |
| 14  | 4/26/84 |                    | I. Ruiz         | "J.B.L."                      | Transmittal note re: attached witness statements                                                       |
|     |         |                    |                 |                               | Witness statements re: Moreno Incident                                                                 |
| 15  | 5/3/84  |                    |                 |                               | Handwritten notes re: SCM Division meeting, discipline decided upon                                    |
| 16  | 5/4/84  |                    | F.S. Provenzano |                               | Draft of presentation re: Moreno Incident with Index                                                   |
| 17  | 5/7/84  |                    | F.S. Provenzano | Plant Procedure Manual Holder | Transmittal letter re: Interim Plant Procedure for Control of Service Contractors and Rental Equipment |
|     |         | 5/9/84             |                 |                               | Interim Plant Procedure - Control of Service Contractors and Rental Equipment                          |
| 18  | 5/8/84  |                    | W.P. Nickles    | B.L. White, et. al.           | Letter re: request for legal review of Interim report to be sent to Corporate Management Committee     |

UCTC21112

| NO. | DATE    | ATTACHMENT<br>DATE | FROM            | TO                                 | SUBJECT                                                                                                                                                  |
|-----|---------|--------------------|-----------------|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19  | 5/8/84  |                    | F.S. Provenzano | Plant Procedures<br>Manual Holders | Transmittal letter re: Interim<br>Plant Procedure for "Field<br>Pressure and Leak Test Control<br>Procedure"                                             |
| 20  | 5/1/82  | 5/10/84            |                 |                                    | Interim Field Pressure and Leak<br>Test Control Procedure                                                                                                |
| 21  | 5/10/84 |                    | W.P. Nickles    | L. Rosenthal                       | Copy of Corporate Safety and<br>Loss Control Manual - Subject -<br>Accident Investigation Report<br>Guidelines                                           |
|     |         | 5/9/84             | D.R. Hutchinson | Investigation Team                 | Transmittal letter for comments<br>on discussion with Mobil Air<br>Conditioning, Inc.                                                                    |
|     |         | 4/23/84            |                 |                                    | Transmittal letter for comments<br>on discussion with Mobil Air<br>Conditioning, Inc.                                                                    |
| 22  | undated |                    |                 |                                    | Excepts from interview with<br>R. Greenhouse, et al. re:<br>meeting with Mobile Air<br>Conditioning, Inc.                                                |
| 23  | 5/11/84 |                    | J.B. Leverton   | B.L. White                         | Handwritten notes re: Moreno<br>Incident                                                                                                                 |
|     |         |                    |                 |                                    | Transmittal letter re: copies<br>of information supplied to OSHA<br>- Fatality Investigation dated<br>4/13/84, and Inventory of<br>exchanged information |

UCTC 21113

| NO. | DATE    | ATTACHMENT<br>DATE | FROM           | TO                     | SUBJECT                                                                                                                                                                                                                    |
|-----|---------|--------------------|----------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | undated |                    |                |                        | pictures, diagrams, pertinent forms, witness statements, etc. supplied to Emile E. Pettit, OSHA Compliance Officer                                                                                                         |
| 24  | 5/14/84 |                    | W.P. Nickles   | G.J. Triplett, et. al. | Transmittal letter for status report on investigation of Moreno accident                                                                                                                                                   |
| 25  | 5/23/84 |                    | C.E. Eley      | R.P. Lawlor, et. al.   | Proposed revisions to Corporate Safety and Loss Control Manual                                                                                                                                                             |
|     |         | 5/22/84            |                |                        | Drafts of proposed changes in Contractor On-Site Policy, Management Performance, Manufacturing Safety Program                                                                                                              |
| 26  | 5/28/84 |                    | L.H. Rosenthal | G.J. Triplett          | Letter informing G.J. Triplett of the position taken by MACI in the Moreno matter - Letter states that MACI has informed OSHA that UCC has not given them any information regarding system requirements or plant processes |
| 27  | 5/30/84 |                    | B.L. White     | C.E. Eley              | Comments on proposed revisions to Corporate Safety and Loss Control Manual                                                                                                                                                 |
| 28  | 5/31/84 |                    | G.J. Triplett  | R.P. Lawlor            | Letter enclosing a copy of L. Rosenthal's 5/28/84 letter as per request                                                                                                                                                    |

UCTC 21114

| NO. | DATE    | ATTACHMENT<br>DATE | FROM                           | TO                                          | SUBJECT                                                                                                                                                                                                                    |
|-----|---------|--------------------|--------------------------------|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |         | 5/28/84            | L.H. Rosenthal                 | G.J. Triplett                               | Letter enclosing a set of contracts relating to leases from Mobil Air Conditioning, Inc. (MACI) Letter also states that the equipment was inspected and MACI will be contacted for additional testing (contracts attached) |
| 29  | 5/31/84 |                    | G.J. Triplett                  | C.E. Eley                                   | Letter commenting on proposed revisions to the Corporate Safety and Loss Control Manual                                                                                                                                    |
| 30  | 6/1/84  |                    |                                |                                             | Handwritten telephone notes regarding OSHA interview with D.R. Hutchinson                                                                                                                                                  |
| 31  | 6/1/84  |                    | J.B. Leverton<br>Share Manager | Emile Pett<br>U.S. Dept. of Labor -<br>OSHA | Letter enclosing the requested statement of D.R. Hutchinson                                                                                                                                                                |
|     |         | 5/31/84            | D.R. Hutchinson                | J.B. Leverton                               | Letter responding to information request made by R. Pett. Letter regarding a meeting held with Mobile Air Conditioning, Inc.                                                                                               |
| 32  | 6/7/84  |                    | R.P. Lawlor                    | B.L. White                                  | Letter confirming Joe Triplett and Lee Rosenthal are against the video tape production re: Moreno fatality (2 copies attached)                                                                                             |

UCTC 21115

| NO. | DATE    | ATTACHMENT<br>DATE | FROM             | TO                        | SUBJECT                                                                                                                             |
|-----|---------|--------------------|------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
|     |         | 7/6/84             | W.P. Nickles     | B.L. White                | Letter enclosing a draft of the script for a video tape production regarding the Moreno fatality. (2 copies attached)               |
| 33  | 6/11/84 |                    | R.R. Murphy, Jr. | C.E. Riley                | Letter commenting on the attached proposed Construction On-Site Policy                                                              |
| 34  | 6/12/84 |                    | L.H. Rosenthal   | W.P. Nickles              | Letter advising that UCC inform their employees to refrain from discussing the Moreno case                                          |
| 35  | 6/14/84 |                    | B.L. White       | R.L. Doan<br>J.E. Geoghan | Letter opposing the proposed production of a video tape concerning the Texas City fatality. (Attachments included for their review) |
|     |         | 7/6/84             | W.P. Nickles     | B.L. White                | Letter enclosing a draft script for a video tape re: the fatality which is to be shown to plant employees                           |
|     |         | 7/7/84             | R.P. Lawlor      | B.L. White                | Letter confirming Joe Triplett and Lee Rosenthal are against the video tape production                                              |
| 36  | 6/18/84 |                    | B.L. White       | J.E. Geoghan              | Letter enclosing a copy of a second draft of a script for the proposed video tape production. Received by B.L. White                |

UCTC 211116

| NO. | DATE    | ATTACHMENT      |                                  | SUBJECT                                                                                                                                                                                                                                                                  |
|-----|---------|-----------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |         | DATE            | FROM TO                          |                                                                                                                                                                                                                                                                          |
| 37  | 6/22/84 | W.P. Nickles    | L.H. Rosenthal                   | Letter regarding the rental of Mobil Air Conditioning, Inc. Equipment involved in the Moreno fatality                                                                                                                                                                    |
| 38  | 6/22/84 | L.H. Rosenthal  | F.S. Provenzano                  | Letter enclosing preliminary notes regarding the Moreno fatality                                                                                                                                                                                                         |
| 39  | 7/27/84 | C.E. Riley      | General Safety Committee Members | Letter enclosing (1) copies of proposed changes and additions to the Corporate On-Site Contractor Policy (2) Management Performance Standard and (3) Manufacturing Safety Program Guidelines. Letter also states the location of the next meeting to be held on Aug. 14. |
| 40  | 7/5/84  | R.P. Lawlor     |                                  | Memo to file - telephone conversation re: Moreno Matter stating that a copy of the Citation was received in Texas City.                                                                                                                                                  |
| 41  | 7/10/84 | F.S. Provenzano | B.L. White                       | Letter regarding - Texas City Fatality of April 13, 1984 also includes preliminary script for a video tape to be shown to plant employees.                                                                                                                               |
| 42  | 8/21/84 | B.L. White      | Memo to file                     | Memo to file re: OSHA's position as discussed by B.L. White and Mr. Fitz                                                                                                                                                                                                 |

UCTC 21117

| NO. | DATE    | ATTACHMENT<br>DATE | FROM                             | TO                                   | SUBJECT                                                                                                                                                                                            |
|-----|---------|--------------------|----------------------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43  | 7/16/84 |                    | B.L. White                       | G.A. Baty<br>Area Director<br>OSHA   | Notice that UCC contests the<br>OSHA citation (OSHA I.D. No.<br>P4765-939).                                                                                                                        |
| 44  | 7/26/84 |                    | R.H. Darling, Jr.<br>OSHC        | B.L. White                           | Notice of Docketing and<br>Instructions to Employer.                                                                                                                                               |
| 45  | 8/1/84  |                    | Robert A. Fitz<br>Dept. of Labor | Ray H. Darling, Jr.<br>OSHC          | Letter enclosing, (1)<br>First Amended Complaint (2)<br>Certificate of Service and (3)<br>Citation and Notification of<br>Penalty from Dept. of Labor -<br>and request to file this<br>instrument. |
| 46  | 8/7/84  |                    | B.L. White                       | F. Provenzano<br>Solvents & Coatings | Letter enclosing the following<br>documents (1) letter from R.A.<br>Fitz (Dept. of Labor) to R.H.<br>Darling (2) First Amended<br>Complaint (3) Notification of<br>Penalty.                        |
|     | 8/9/84  |                    | Robert A. Fitz<br>Dept. of Labor | Ray H. Darling, Jr.<br>OSHC          | Letter from Dept. of Labor<br>requesting filing of<br>complainants first amended<br>complaint.                                                                                                     |
|     | Undated |                    | Robert A. Fitz<br>Dept. of Labor | OSHC                                 | First Amended Complaint.                                                                                                                                                                           |
|     | 7/3/84  |                    | Dept. of Labor                   | UCC                                  | Department of Labor<br>Notification of Penalty.                                                                                                                                                    |

UCTC 211118

| NO. | ATTACHMENT |                   | FROM                                   | TO                                                                                                                                       | SUBJECT |
|-----|------------|-------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------|
|     | DATE       | DATE              |                                        |                                                                                                                                          |         |
| 47  | 8/20/84    | B.L. White        | Ray H. Darling, Jr.<br>OSHRC           | Letter enclosing the following documents (1) Answer to First Amended Complaint, (2) Notice of Appearance and (3) Certificate of Service. |         |
| 48  | 8/20/84    | B.L. White        | F.S. Provenzano<br>Solvents & Coatings | Letter stating that UCC should post the "Notice of Contest" and send a copy to the Union within 48 hrs.                                  |         |
|     | 7/16/84    | B.L. White        | G.A. Baty<br>Area Director<br>OSHA     | Notification that UCC contests the attached OSHA citation.                                                                               |         |
|     | 7/3/84     | G.A. Baty<br>OSHA | UCC                                    | Citation & notification of penalty.                                                                                                      |         |
|     | 8/21/84    |                   |                                        | Notice to Employees of alleged violation.                                                                                                |         |

UCTC 21119