

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION

ELAINE L. CHAO, Secretary of Labor, :
United States Department of Labor, :
 : OSHRC Docket
Complainant, :
 : NO. 04-1782
v. :
 :
EXXONMOBIL CHEMICAL COMPANY- :
SYNTHETICS DIVISION, :
Respondent. :
 :

STIPULATED SETTLEMENT

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Based upon the following recital, the complainant and the Respondent herein agree to the following as a conclusion of all parts of this matter:

1. a) The parties agree that the only citation item at issue is Citation 1, Item 1, in Inspection No. 306739574.

b) Citation 1, Item 1, and the proposed penalty are withdrawn.

2. ExxonMobil will place on its material safety data sheets for Jet Oil 254 and Jet Oil II (and for Jet Oil 291 if it is ever again manufactured) the following statement in Section 11 or similar section: "A literature report of a generic jet engine oil containing tri-cresyl phosphate (TCP) with concentrations of ortho-phenol isomers well in excess of those found in this ExxonMobil product noted delayed peripheral nerve system damage in test animals. A current study of an ExxonMobil Jet Oil formulated with a

relatively low ortho-phenol isomer content produced no peripheral nerve system damage in test animals." Nothing in this agreement impairs the right of ExxonMobil to add to or clarify the toxicology information in its MSDS's.

3. This settlement is a compromise of disputed claims within the meaning of Federal Rule of Evidence 408 and is entered into solely to resolve this matter without litigation. None of the foregoing agreements, statements, stipulations and actions taken by respondent shall be deemed an admission by respondent of the allegations contained within the citations, notifications of penalty and the complaint herein. The agreements, statements, stipulations, findings and actions taken herein are made for the purpose of settling this matter amicably and they shall not be admissible or used for any purpose except by the Secretary of Labor with respect to matters arising under the Occupational Safety and Health Act. By entering into this Agreement, the Respondent does not admit that the conditions described in the citation were the cause, proximate or otherwise, of any accident, incident, injury or illness which may have occurred, and does not waive any argument or defense to future citations or penalties.

4. Respondent certifies that on July 28, 2005, 2005, this stipulation will be posted where affected employees may see it and will be served on the authorized employee representative, Teamsters Local 11.

7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

EXXONMOBIL CHEMICAL COMPANY-
SYNTHETICS DIVISION

BY: Arthur G. Sapper 7/28/05
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ORDER APPROVING SETTLEMENT

Respondent in OSHRC Docket No. 04-1782 by a letter received on or about August 31, 2004, timely contested the citation mailed to it by Complainant on August 20, 2004. In that letter, Respondent also contested the penalties proposed by Complainant and the abatement dates for the citation.

An executed Settlement Agreement has been received from the parties, and this Agreement addresses all matters at issue between the parties in this proceeding. The Agreement having been read and considered it is

ORDERED: (1) That the terms of the Settlement Agreement are approved and incorporated as part of this Order; and

(2) That this Order, pursuant to Section 12(j) of the Act, 29 U.S.C. § 661(j), will become the final order

of the Commission at the expiration of 30 days from the date of docketing by the Executive Secretary, unless within that time a member of the Commission directs that it be reviewed.

Dated this _____ day of _____, 2005.

SO ORDERED:

IRVING SOMMER
Chief Judge,
Occupational Safety &
Health Review Commission