



KENTUCKY OCCUPATIONAL SAFETY AND HEALTH

REVIEW COMMISSION

CAPITAL PLAZA TOWER

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EXECUTIVE DIRECTOR

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CHAIRMAN

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MEMBER

CHARLES B. UPTON
MEMBER

KOSHRC # 53

JAMES R. YOCUM,
COMMISSIONER OF LABOR,
COMMONWEALTH OF KENTUCKY

COMPLAINANT

vs.

STANDARD GRAVURE CORPORATION

RESPONDENT

DECISION AND ORDER OF
REVIEW COMMISSION

Before STOWERS, Chairman; UPTON and STANTON,
Commissioners:

Notice of contest by the respondent was received by the Department of Labor on July 9, 1974, and filed with this Commission on July 9, 1974. This notice contested a citation by complainant for violation of 29 CFR 1910.159 (c)(1)(i) as adopted by OSH 11-2, following an inspection by the OSHA compliance officer on May 28, 1974, the citation being dated June 20, 1974.

The complainant now comes before this Commission and moves to dismiss this action in favor of respondent by motion filed July 24, 1974. Attached to such motion was an affidavit of Otis Ragland, Assistant Director of Compliance of the Department of Labor, in which Mr. Ragland stated:

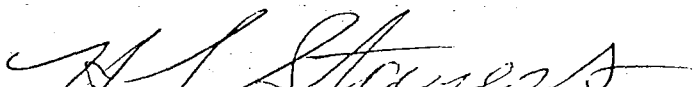
- "1. He believes that 29 CFR 1910.159 (c)(1)(i) (as adopted by OSH 11-2) is most unclear and lends itself to more than one interpretation as to what would or would not constitute substantial compliance.
- "2. That after a careful review of the facts and circumstances relative to this specific case, Standard Gravure Corporation is in substantial compliance."

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It is the finding of this Commission that based on the facts presented, this action should be dismissed.

ORDER

It is therefore ordered that complainant's motion to dismiss in favor of respondent is granted. It is further ordered that this matter be and it is dismissed and the citation dated June 20, 1974, is vacated.



H. L. Stowers, Chairman

/s/ Charles B. Upton

Charles B. Upton, Commissioner

/s/ Merle H. Stanton

Merle H. Stanton, Commissioner

August 2, 1974

Decision No. 44