

147 Heather Drive  
Butler, PA 16001  
December 9, 2002

Robert Szymanski, Area Director  
Occupational Safety and Health Administration  
Federal Building, Room 1428  
1000 Liberty Avenue  
Pittsburgh, PA 15222

RE: Requesting a written response from OSHA.

Dear Mr. Szymanski,

Per your suggestion in our phone conversation on 12-5-02, this is my request for a written response from OSHA regarding an issue at Butler AK Steel in which management gives verbal orders to employees to haul grossly overloaded, unsecured tractor-trailers in-plant on dangerous roads, against company written policy.

After I faxed and mailed the information to your office last week, you informed me that this is not an issue that OSHA regulates.

*My request is for a written explanation as to why this does not fall under OSHA jurisdiction.*

In our phone conversation, you explained that since the trucks are licensed at 73,280-lbs. (combination weight), it falls under DOT jurisdiction. According to the DOT, however, unless this practice occurs on a "highway," as defined in Section 102 of the Vehicle Code, it is not a DOT violation. [Letter from the DOT, dated 1-10-02.]

You also informed me that the unsecured hauling and dangerous road conditions (a steep hill and a 90° bend) would fall under OSHA's jurisdiction, but only if an AK employee files the complaint. *When I initially made an attempt at filing a complaint through OSHA, I was an AK employee but was told at that time [by OSHA investigator, Jim Cannell] that it did not fall under OSHA jurisdiction.*

According to you, the only way I would have had access to Cannell's office is by being transferred there by an Officer from the Complaint Office. It's clear that someone there dropped the ball in mishandling my complaints in 2000 and 2001. *I made repeated attempts to file a complaint through OSHA while I was still employed at AK Steel, and to no avail.*

In addition, I would like to receive an explanation as to why OSHA did not file a complaint for me regarding defective mobile cranes I was forced to operate at AK Steel in 2000 and 2001 (at the same time as the tractor-trailer complaints). As with the other issues, OSHA claimed it was not under their jurisdiction.

Besides the risk to the lives of employees and the public within the plant, the main issue with these complaints is the potential for criminal and civil liability that could be assumed for the operators in the event of accidents. These are highly questionable hauling practices, with the tractor-trailers unsecured and loaded at more than twice the licensed weight requirements, and highly dangerous risks with the use of defective mobile cranes. [David Devries of the PA Attorney General's Office cautioned me of these legal liabilities.]

Thank you for your help on my behalf. I look forward to receiving a response from OSHA in the near future.

Sincerely,

  
Joe Myers