

For the state of IL
Champaign County Courthouse
101 E. Main st. Urbana IL, 61801

dated: 1/18/ 11
trial# 10 MR 906

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the electronic file is kept www.justtalking3.info
V.

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**Return letter to OSHA/
Establishing a formal reply**

The foundation of “team leader Barry Salerno” is: we need not participate because formal jurisdiction has not been complied with by the rules, they believe are cognizant for consideration. Jurisdiction is “the power, right, or authority to interpret and apply the law”. **There is no possibility, that the noise that can affect the citizens who surround an industry/ cannot affect and damage the workers directly involved in making the noise. That means:** your excuse is unwarranted, and your refusal distinguishes you as, failing to protect and defend the workers. Noise infiltrates/ noise matters too: it increases stress, reduces focus and concentration/ establishes aggression, because “I can’t” get away. All of these

affect every worker/ and society as well, because they bring it home; as I am being damaged, “for you”; an excuse to hate. The correct jurisdiction is: WE have the right to be protected/ your job is to prove we are. The legal consequence is: being fully aware, and refusing to participate entitles those exposed whether injured at this moment or not: to sue, for unwarranted and unnecessary risk, should the standard fail to be met. **IMPOSED by you.** You, are not the government/ YOU are our employee. Do you understand? NOT immune from failing to do your job?

OSHA means occupational health and safety act/ NOT WAIT for the accident that crushes lives, and then play games. The power and right to interpret the possibilities of hearing damage HAVE BEEN isolated, in a manner that distinctly allows you the right and authority to investigate for the sake of these workers. BECAUSE STANDARDS have been set into place. Thereby you do have the authority to impose and establish those standards shall be met. It is not a game. Do you deny this is not so?

I have stated to you, “that I am the expert” in this field; due to the fact, my hearing has indeed been damaged/ and it was not until the critical threshold had been passed: that I stopped, and refused to go further. Do to “it was planting season/ and I was planting corn”: it needed to be done. The same is true for all workers, IF YOU NEED the job, or your family needs you to have this job: YOU DO, what you must do to survive, if you see the goal (almost done), it can be too late.. As with me, that turned into: I did too much/ because none listened, even though I complained. “Got to be tough, is the rule”. I have lived with that result for nearly thirty years. It WAS LIFE CHANGING! WHICH MEANS: it is not simply the job of the employee to complain: IT IS YOUR JOB, to listen & insure compliance with standards/ as best as possible, for life. PRIOR to damage. Did you know about mesothelioma? Did you fail to protect the worker, just because “the money” DIDN’T WANT to be bothered? Where is, your duty? Explain it?

Noise has consequences. If that cannot be complied with by standards and machines that are capable of compliance. THEN the facility is too large, and must be reduced in size until it does comply; or until the workers and citizens involved shall say: WE KNOW, AND WE UNDERSTAND the reality of this on our lives and children and environment, and we accept this price for ourselves. Rather than being forced. Is that not your job! This is not an attack on this business or town or surrounding community. This is a demand for “best practice” in all area’s of noise and environment. The difference is in WHAT CAN be done for life/ rather than what we are forced to endure without a say, because a few want MORE money/ power/ or pride. There are options: which include better fan blade design/ belt

driven- larger fans/ sound chimneys either inside or outside the bin, which redirect the noise and gather air high in the air/ alterations in drying, that include an initial cooling by natural air flow (release the grain at the top of the leg, and let it flow with gravity in a circular flume around the elevator until it returns to the bottom; a majority of heat will naturally escape. The structure is in place/ cheap and simple)/ THERE ARE “quieter driers”/ shutting off idling trains/ redirecting traffic/ sound covers/ careful monitoring of grain with temperature and moisture senders that control when the fans do need to run and when they don’t. Starts the process of we have needs and rights too.

A separate issue comes to mind as the translation of this for understanding. Back over thirty years ago, I bought a can of paint, that was labeled “for professional use only”! My first thought was “must be good stuff”/ just like some people say, “the bigger the better for me”. The common experience was; trained in agriculture to ignore chemical warnings, I used it without the necessary “breathing tools” . That took well over a year to recover from and ten years or longer to completely resolve if in fact it is. **All because the warning DID NOT SAY: “It will destroy or damage your lungs: IN PLAIN ENGLISH”! Did I not deserve that kind of warning! Do people being exposed to whatever it is that can literally damage their lives NOT deserve a warning? Really/ then you come and prove it, by risking your ears.** Do the people who use or are influenced by this kind of product NOT deserve that kind of warning, better than a chance to understand/ a working knowledge of reality, by its truth. I tell you the truth I would not have used it with **a real label warning: FOR LIFE/ not protecting the damn money!**. How many more labels NEED to be revisited/ and PLAIN! We need and deserve: “HOW MANY EDUCATIONAL PROGRAMS”? The status quo, WAS wrong! These need to be in high schools around this nation, teaching in reality; so that we no longer lack the proper guidance about what is or is not suitable for life. In other words, WHERE are you for the young/ stop hiding. **I wasn’t “too dumb” to understand/ I WAS uneducated,** and surrounded by those who believed “chemicals are harmless (until something truly bad happens; there is cancers here today, where are the statistics. So we know)”. In my case, I **didn’t think for myself. My fault/ but yours as well. Because an education, IN REALITY: DOES make a difference.** DO YOU understand? Do you understand “looking the other way”/ or being forced to, by those who do protect the money: **requires the law,** to pursue those leaders, and make them the few obey. Rather than we the people be pursued and controlled instead.

We are required to make compromises for each other/ it can’t be all “one

way”. And it is important to understand the boundaries and realities of life and work and survival/ not always a simple choice. But it is more important to understand “our rights EXIST”. Rather than to believe, we have no rights at all/ until “death or mutilation; due us part”. WHAT VALUE has that? The answer is DAMN LITTLE!

Open ridicule as is the proof of a business that refuses to take the threat of a lawsuit seriously, or the fact they were given sufficient warning: when they know the lawsuit can have consequences. Establishes a complete disrespect for the people involved; by their own decisions, in our lives. How much less is the worker to be treated? There side was: money, pride, and power control/ we win. People, or workers: are what money and power resolve to control; lawsuits as well. Not protect. No problem, WE OWN “the lawyers, the law, and the elections”. But this nation was defined to be exactly the opposite of that by removing the power of a few/ and giving it to all the people instead. Its called democracy; YOUR JOB, as our employees, is to prove democracy cannot be taken away. Do you understand?

The environmental protection agency is responsible for its own work/ but the health and well being of the workers in this facility is your job. Not only as described: has the situation suddenly changed in a dramatic fashion, as is another one million bushels/ full intent and realization of even more is clearly expected, as in another one million bushels soon. That requires another dryer, or more. Another distinct increase in the noise related to this work. I am not telling you to find them in non-compliance to the rules. I am telling you, that lives changed like mine is NOT a suitable ending to this story. You do have a job to do/ and it is separate and distinct from the epa (work with them). **Your job IS NOT** to “protect the money”/ your job, is to protect the worker. The most fundamental thing proof of compliance apart from measurement, would then be: IS to actually work in this facility during harvest to ascertain exactly what is going on/ and establish KNOWLEDGE for yourselves. Workers have ridiculed this agency/ because you have NO FIRST HAND KNOWLEDGE; believing as all diplomas’s do/ “that they know”. Like hell! You know damn little, unless you do the work yourself/ unless you do it all, and understand what does or does not work, and WHY! Find the people who know, and couple them to the people how have specialized training so that a realistic compromise can exist. Then respect will be earned, and the worker will listen, because it is clear “someone like us, is involved too”. They know/ rather than they “think, or more correctly theorize”. There is a distinct difference. Putting someone in a “chemical monkey suit” where it is not

helpful/ as in the gulf oil spill is ridiculous and dangerous; they could die of heat stroke. **Learn from the people who do! But understand,** What has been, is not the standard. The statistics are, including the hidden ones. It's a choice.

For the sake of all workers, I am going to help you do your job a little. As an "expert"/ I found it is the high frequencies sound that does the most damage; although all high volume noise does relate. That simple fact is related to machines in the following way: when a bearing goes dry, it squeals. Consequently a machine that detects this new noise/ identifies a problem allowing it to be corrected before it heats up and causes a fire, or other dangerous event because of machine failures. Electric motors do the same. Gas and diesel engines do the same, changing their frequency pattern as trouble erupts. It is simple, cheap, and plain. I will add, a train engine came through one day: that clearly had a generator bearing going out, still moving. But the high pitch squeal forced me roughly fifteen miles away, before I could tolerate it. NOT get away from it/ but tolerate it. That means it is unlikely those train engineers escaped that engine without substantial hearing loss or worse. ITS THEIR JOB, they do try to stay; YOU GET FIRED! If you don't. But if you stay permanent hearing loss is YOUR reward. There must be warnings, and clear resolution to problems that warrant and need a solution. The train owners gained nothing from their failure to recognize this trouble: they probably LOST a generator. THOSE ARE EXPENSIVE!