

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,)	
)	
Complainant,)	OSHRC Docket No. 06-1449
)	
v.)	REGION IV
)	
GOLD KIST, INC.,)	
)	
Respondent.)	
)	

PETITION FOR LEAVE TO INTERVENE

Delores Smith and Donna Porter (“Petitioners”), affected former employees of Respondent Gold Kist, Inc., file this Petition for Leave to Intervene (“Petition”) pursuant to 29 C.F.R. §§ 2200.21, .22(c). In support of this Petition, Petitioners would show as follows:

1. Petitioners have a substantial interest in the health and safety conditions at issue in these proceedings because:

a. Petitioner Smith was an employee at Respondent Gold Kist’s Russellville poultry-processing facility (“Russellville Plant”) for 2 years, from approximately March 2004 to May 2006.

b. Petitioner Porter was an employee at the Russellville Plant for 2 years, from approximately March 2004 to March 2006.

c. Petitioners were employees at the Russellville plant leading up to and during the time of Complainant’s health and safety investigation at the Russellville plant.

d. Petitioners have been personally affected by health and safety conditions at the Russellville plant during a time period relevant to these proceedings.

~~e. Petitioners were not and are not a part of a bargaining unit.~~

2. Petitioners' participation will assist in the determination of the issues in question in these proceedings because they provide a firsthand employee perspective of working conditions at the Russellville plant during the period leading up to and during Complainant's health and safety investigation.

3. This Petition is made in good faith and Petitioners' participation will not unduly delay the proceedings.

4. Petitioners are represented by undersigned counsel within the meaning of 29 C.F.R. § 2200.22(a).

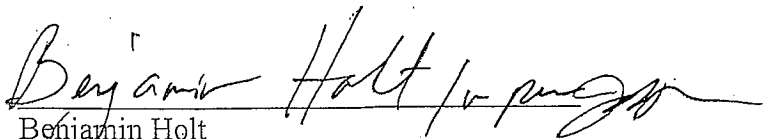
5. Petitioners file this Petition 10 days prior to the hearing scheduled for December 7-8, 2006. Therefore, this Petition is timely within the meaning of 29 C.F.R. § 2200.21(a).

WHEREFORE, Petitioners respectfully file this Petition requesting the following relief:

- a. The Commission intervene Petitioners as a third-party in these proceedings pursuant to §2200.21; and
- b. The Commission allow Petitioners full rights under this status, including but not limited to participation in the mandatory settlement conference scheduled for Dec. 7 and 8 in Decatur, Alabama and all other settlement proceedings scheduled pursuant to § 2200.120 et seq.

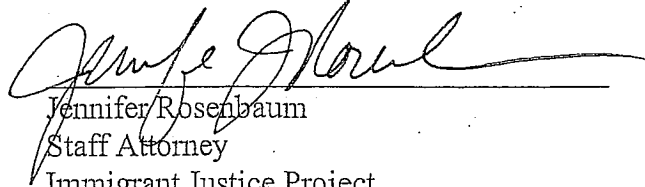
November 27, 2006

Respectfully Submitted,



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Attorney for Petitioners Delores Smith
and Donna Porter

CERTIFICATE OF SERVICE

This is to certify that on November 27, 2006, the foregoing Petition for Leave to Intervene was forwarded via facsimile and Certified U.S. Mail to the following:

The Honorable Nancy J. Spies
Administrative Law Judge
Occupational Safety and Health Review Commission
1924 Building - Room 2R90
100 Alabama Street, S.W.
Atlanta, GA 30303
Fax: (404) 562-1650

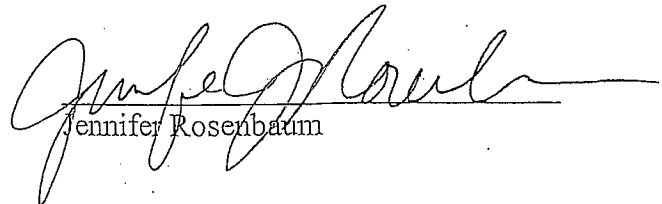
ADMINISTRATIVE LAW JUDGE

Mary Sue Taylor
U.S. Department of Labor
Office of the Solicitor
618 Church Street, Suite 230
Nashville, TN 37219
Fax: (615) 781-5321

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