

## U.S. Department of Labor

Occupational Safety and Health Administration  
San Francisco Federal Building  
90 7th Street, Suite 18100  
San Francisco, CA 94103  
Phone: (415)625-2547 FAX: (415)625-2534



# Notice of Unsafe or Unhealthful Working Conditions

**To:**  
U.S. FOREST SERVICE SHASTA-TRINITY  
NATIONAL FOREST  
3644 Avtech Parkway  
Redding, CA 96002

**Inspection Number:** 312422207  
**Inspection Date(s):** 07/26/2008-07/31/2008

**Issuance Date:** 06/22/2009

**Inspection Site:**  
Iron Complex, Shasta-Trinity  
National Forest  
Junction City, CA 96048

*The violation(s) described in this Notice is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Notice of Unsafe or Unhealthful Working Conditions (Notice) describes violations of the Occupational Safety and Health Act of 1970, the Executive Order 12196, and 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters. You must abate the violations referred to in this Notice by the dates listed unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Notice you request an Informal Conference with the U.S. Department of Labor Area Office at the address shown above.

**Posting** - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Notice must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Notification of Corrective Action** - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Area Director of the OSHA office issuing the citation and identified above. The certification must be sent by you within 10 calendar days of the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (examples: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

**Program Responsibilities** - Section 19(a)(1) of the OSH Act requires the head of each Federal agency to comply with applicable occupational safety and health standards. The intent of this section and Executive Order 12196 is implemented through 29 CFR 1960.8(b). If you are cited for violations of applicable safety and health standards, you have also violated the program element 29 CFR 1960.8(b), which stipulates:

*"The head of each agency shall comply with the Occupational Safety and Health Administration standards applicable to the agency."*

**All abatement verification documents must contain the following information:** 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to OSHA, also be posted at the location where the violation appeared and the corrective action took place.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director within 15 working days after receipt of this Notice. As soon as the time, date, and place of the informal conference have been determined please complete the enclosed "Notice to Employees" and post it where the Notice is posted. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the Notice. In addition, bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

**Inspection Activity Data** - You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [WWW.OSHA.GOV](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

James D. Wulff, Area Director  
U.S. Department of Labor - OSHA  
San Francisco Federal Building  
90 7th Street, Suite 18100  
San Francisco, CA 94103  
Phone: (415)625-2547

U.S. FOREST SERVICE SHASTA-TRINITY NATIONAL FOREST  
3644 Avtech Parkway  
Redding, CA 96002

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Citation \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_  
by \_\_\_\_\_.

I attest that the information contained in this document is accurate and that the affected employees and their  
representatives have been informed of the abatement activities described in this certification.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name



## NOTICE TO EMPLOYEES

An informal conference has been scheduled with the Occupational Safety and Health Administration (OSHA) to discuss the Notice of Unsafe or Unhealthful Working Conditions (Notice) issued on 06/22/2009. The conference will be held at the OSHA office located at San Francisco Federal Building, 90 7th Street, Suite 18100, San Francisco, CA, 94103 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.



Notice of Unsafe or Unhealthful Working Conditions

**Company Name:** U.S. FOREST SERVICE SHASTA-TRINITY NATIONAL FOREST  
**Inspection Site:** Iron Complex, Shasta-Trinity National Forest, Junction City, CA 96048

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Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.266(d)(2)(i): The number of first aid kits and the content of each kit did not reflect the degree of isolation, the number of employees, and the hazards reasonably anticipated at the work site:

- (a) U.S. Forest Service Shasta-Trinity National Forest, Iron Complex Fire: The Forest Service failed to ensure that acceptable numbers and types of first-aid supplies were provided to fire fighters engaged in tree felling operations. On July 25, 2008, a fire fighter was severely injured and bleeding profusely and adequate medical supplies were not immediately available.

**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 07/25/2009

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.266(h)(1)(iv): Employee(s) approached a feller closer than two tree lengths of trees being felled, without the feller acknowledging that it was safe to do so:

- (a) U.S. Forest Service Shasta-Trinity National Forest, Iron Complex Fire: On July 25, 2008, the U.S. Forest Service failed to prevent a fire fighter from standing approximately 30 feet away from a feller cutting a 122 foot long tree. The fire fighter was struck by a falling tree and sustained fatal injuries.

**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 07/25/2009

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See pages 1 through 4 of this Notice for information on employer and employee rights and responsibilities.



Notice of Unsafe or Unhealthful Working Conditions

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Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.266(i)(5)(iv): The employer did not ensure that each current and new employee can properly and safely perform the work tasks and operate the tools, equipment, machines, and vehicles used in their job:

- (a) U.S. Forest Service Shasta-Trinity National Forest, Iron Complex Fire: The U.S. Forest Service failed to adequately train fire fighters who were assigned to work as fellers in a new work environment removing danger trees.

**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 07/25/2009



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Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1960.8(a): The agency head did not furnish places and conditions of employment that were free from recognized hazards that were causing or were likely to cause death or serious physical harm in that immediate medical services were not available to employees with critical injuries, within a reasonable time:

- (a) U.S. Forest Service Shasta-Trinity National Forest, Iron Complex Fire: The Forest Service failed to provide adequate medical service to a critically injured fire fighter. Nearly three and a half hours elapsed from the time of the initial injury to the time that the employee was pronounced dead, and the employee still had not reached a hospital.

**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

**Date By Which Violation Must be Abated:** 08/07/2009

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Notice of Unsafe or Unhealthful Working Conditions

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Inspection Site: Iron Complex, Shasta-Trinity National Forest, Junction City, CA 96048

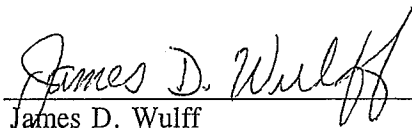
Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1960.29(d): The agency did not provide a copy of the investigative report required by this section, including interviews of employees and witnesses, to the Secretary or her authorized representative:

- (a) U.S Forest Service Shasta-Trinity National Forest, Iron Complex Fire: The U.S. Forest Service refused to provide copies of employee witness interview statements, which were requested on at least three different occasions by authorized representatives of the Secretary of Labor.

**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 07/25/2009

  
James D. Wulff  
Director, Enforcement & Investigations