

U.S. Department of Labor
Occupational Safety and Health Administration
Room 640
1220 Southwest Third Avenue
Portland, OR 97204
Phone: (503)326-2251 FAX: (503)326-3574



Notice of Unsafe or Unhealthful Working Conditions

To:
U.S. Forest Service, Wallowa Whitman Nat. Forest
P.O. Box 907
Baker City, OR 97814

Inspection Number: 312391188
Inspection Date(s): 8/21/2009-1/21/2010
Issuance Date: 01/29/2010

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.

Inspection Site:
1550 Dewey Ave
Baker City, OR 97814

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.

Program Responsibilities - Section 19(a)(1) of the OSH Act requires the head of each Federal Agency to comply with applicable 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 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."

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 - You should notify the U.S. Department of Labor Area Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Notice. Please inform the Area Office in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

Employer Discrimination Unlawful - The law prohibits discrimination by any person against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint with the U.S. Department of Labor Area Office at the address shown above.

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.

Notice: 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 these alleged violations will be posted when our system indicates that you have received this citation, but not sooner than 30 calendar days after the Notice Issuance Date. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



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 01/29/2010. The conference will be held at the OSHA office located at Room 640, 1220 Southwest Third Avenue, Portland, OR, 97204 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, Wallowa Whitman Nat. Forest
Inspection Site: 1550 Dewey Ave, Baker City, OR 97814

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

29 CFR 1910.133(a)(1): Protective eye equipment was not required where there was a reasonable probability of injury that could be prevented by such equipment:

(a) On August 20, 2009, an employee, "hook-up person", engaged in "Longline Operations" was not wearing complete eye protection, such as goggles, while exposed to flying debris caused by the rotor wash of the CH-47 Helicopter.

Date By Which Violation Must be Abated: 02/25/2010

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

29 CFR 1910.135(b)(2): The employer did not ensure that protective helmets purchased before July 5, 1994 complied with ANSI standard "American National Standard Safety Requirements for Industrial Head Protection," ANSI Z89.1-1969, and/or did not demonstrate that the helmets were equally effective.

(a) On or about August 20, 2009, but not limited to, employees engaged in clean-up of marijuana-growing operations were using hard hats that had no required markings of the manufacturer, the American National Standard designation and class, as stated in Section 5.5.6 of the Z89.1 1996.

Date By Which Violation Must be Abated: 02/25/2010

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



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

29 CFR 1910.183(b): Prior to each day's operation, a briefing was not conducted. This briefing did not set forth the plan of operation for the pilot and ground personnel.

(a) On August 20, 2009, the plan of operation was not understood by both the CH-47 helicopter pilot and the U.S. Forest Service employees engaged in "Longline Operations." Prior to hooking up the cargo nets, the plan called for a dry run which was never conducted. This situation created extremely hazardous conditions for all involved, such as, but not limited to, danger trees falling.

Date By Which Violation Must be Abated: 02/25/2010

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury resulting from an accident.

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

29 CFR 1960.8(a): The head of each agency shall furnish to each employee employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm:

(a) The employer did not identify and remove danger trees prior to employees working in the immediate area: On August 19 - 20, 2009, employees engaged in marijuana plant removal and longline operations were exposed to a struck-by hazard from a falling danger tree.

"Among other methods, one feasible and acceptable means of abatement would be to identify and have danger trees removed from the immediate work area by qualified fallers prior to allowing employees to work in the area"

Date By Which Violation Must be Abated: 02/25/2010

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

29 CFR 1960.59(a): The Agency did not provide appropriate safety and health training for employees, including specialized job safety and health training appropriate to the work performed by employees

(a) On or about August 19, 2009, but not limited to, employees engaged in clean-up of marijuana growing operations were exposed to struck-by hazards when employees failed to recognize the severity of danger trees, exposing themselves to serious and/or fatal injuries caused when trees were pushed over by hand. In addition, other hazardous danger trees were allowed to remain and were not identified while other employees perform work in the immediate area, exposing employees to the same risk.

(b) On August 20, 2009, a "hook-up person" engaged in "Longline Operations" failed to established radio communications with the CH-47 Helicopter engaged in sling loading cargo nets. The failure to follow established procedures created potentially hazardous conditions to employees in the event of an aircraft engine failure, problems encountered with the external cargo load hook-up, and/or flying debris.

Among other methods, one feasible and acceptable means of abatement would be to conduct a risk assessment of operation and manage the risk by first identifying the hazards through a Job Hazard Analysis. Another acceptable means of abatement would be to follow established procedures as outlined in the NFES 1885 Interagency Helicopter Operations Guide.

Date By Which Violation Must be Abated: 02/04/2010

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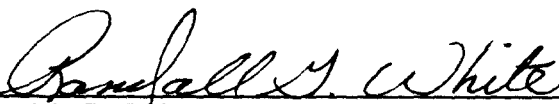
Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1910.132(f)(1)(v): Employee(s) required to use PPE by this section were not trained to know the proper care, maintenance, useful life, and disposal of PPE:

(a) On or about August 20, 2009, but not limited to, employees engaged in clean-up of marijuana-growing operations were using hard hats that exceeded their life cycle.

The U.S. Forest Service was previously cited for a violation of this Occupational Safety and Health Standard or its equivalent standard 29 CFR 1910.132(f)(1)(iv), which was contained in OSHA Inspection Number 307500777, Citation Number 1, Item Number 1(b) issued on 01/23/07, with respect to a workplace located at U.S. Forest Service, Ketchikan, Alaska.

Date By Which Violation Must be Abated: **02/25/2010**



Randall G. White
Area Director

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