

U.S. Department of Labor
Occupational Safety and Health Administration
1150 North Curtis Road
Suite 201
Boise, ID 83706
Phone: 208-321-2960 Fax: 208-321-2966



Citation and Notification of Penalty

To:
Clearwater-Potlatch Timber Protective Association,
Inc.
and its successors
10250 Highway 12
Orofino, ID 83544

Inspection Site:
Steep Corner Fire
Headquarters, ID 83546

Inspection Number: 593958
Inspection Date(s): 08/13/2012 - 01/04/2013
Issuance Date: 02/07/2013

The violation(s) described in this Citation and Notification of Penalty 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 Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty 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 Citation 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.

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 during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer 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 no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to

the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

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 these alleged violations will be posted when our system indicates that you have received this citation. 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 OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/07/2013. The conference will be held at the OSHA office located at 1150 North Curtis Road, Suite 201, Boise, ID 83706 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 593958

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546
Issuance Date: 02/07/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1150 North Curtis Road, Suite 201, Boise, ID 83706**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

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

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were exposed to the hazards of entrapment, burns and other hazards associated with wild land firefighting:

- a. Steep Corner fire: On or about August 10, 11, and 12, 2012, Eight of the Ten Standard Firefighting Orders from the Interagency Standards for Fire and Fire Aviation Operations (2012) were violated as follows:

Fire Order #1. Keep informed on fire weather conditions and forecasts. A spot weather forecast was not requested or received for August 10 or August 11, 2012. No one was taking weather observations at the fire.

Fire Order# 2. Know what your fire is doing at all times. On or about August 10, 11, and 12, 2012, employer's crews were not kept informed of the status of the fire including burning below the road, spot fires, and active fire burning on other parts of the fire.

Fire Order #4. Identify escape routes and safety zones and make them known. The escape routes and safety zones were only identified as back up the line or side hill out to a safe area. Back up the line was understood to be up the slope towards the road in very steep heavily timbered terrain and fuels where roll-outs and spot fires were occurring. Side hill out to a safe area was believed to mean to follow a contour away from the fire front toward a ridge, creek or someplace safe. These areas contained moderate to heavy fuels and were not specifically designated or met the requirements for a safety zone.

Fire Order # 5. Post Lookouts when there is possible danger. Lookouts with clear vantage points of the fire, crew, escape and safety locations were not posted on August 10 or 11, 2012.

Fire Order # 7. Maintain prompt communications with your forces, your supervisor, and adjoining forces. On or about August 10 and 11, 2012, several crews of ground personnel and the incident commander were sharing only two frequencies with regular interruptions. CPTPA personnel were using numbers to identify each other creating confusion for adjoining forces that were not familiar with their numbering system. Strategy and tactics of the incident commander were not promptly and clearly communicated to adjoining forces. Helicopter bucket drops were occurring without communicating to crews on the ground and ensuring the area was clear of personnel.

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



Citation and Notification of Penalty

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

Fire Order #8. Give clear instructions and insure they are understood. On or about August 10 and 11, 2012, hand crews were constructing fire line without instructions to account for large gaps in the line around identified hazard trees.

Fire Order #9. Maintain control of your forces at all times. On or about August 11, 2012, the Division Y Leader was reassigned and there was no direct supervisory control over those firefighters constructing hand line on the north fire line. The Incident Commander stationed on the road above the fire was not aware of some activities occurring on the fire line including large gaps that were left in the line around hazard trees.

Fire Order #10. Fight fire aggressively, having provided for safety first. On or about August 10 and 11, 2012, the strategy and tactics implemented lacked critical safety procedures, including adequate escape routes and safety zones, posting lookouts, and basing actions on the hazards and fire conditions present at the time. Large gaps in the fire line around hazard trees were allowed where the fire could break through and flank crews creating an entrapment situation. Hand crews were working to construct fire line in areas within 1 to 2 tree lengths of identified hazard trees.

- b. Steep Corner fire: On or about August 10, 11 and 12, 2012, Management of Clearwater Timber Protective Association and the incident commander at the Steep Corner Fire did not take immediate actions to mitigate eleven (11) of the 18 Situations That Shout Watch Out listed in the Interagency Standards for Fire and Fire Aviation Operations 2012. Those which were present and not mitigated included the following:

Watch Out #1. Fire not scouted and sized up. On August 10 and 11, 2012, as conditions became increasingly hazardous due to increased activity and complexity, the Incident Commanders working from the road above the fire failed to have the fire scouted and sized up.

Watch Out #3. Safety zones and escape routes not identified. Verbal instructions for Safety zones and escape routes were back up the fire line or side hill out to a safe zone. There was no incident action plan for August 10 or 11, 2012 addressing safety zones or escape routes.

Watch Out #4. Unfamiliar with weather and local factors influencing fire behavior. On August 10 and 11, 2012, spot weather forecast had not been obtained. No one on the fire was taking weather observations.

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



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Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

Watch Out #5. Uninformed on strategy, tactics, and hazards. Instructions for personnel engaged in direct attack did not have clear instructions on how to deal with large gaps in the fire line around hazard trees.

Watch Out #6. Instructions and assignments not clear. Instructions regarding employers crews engaged in direct attack with large gaps in the fire line around hazard trees were not clear or mitigated.

Watch Out #8. Constructing fire line without a safe anchor point. Crews were working throughout August 10, 11 and 12, 2012 to construct fire line without establishing a safe anchor point and continuous fire line.

Watch Out #9. Building fire line downhill with fire below. Crews were constructing a fire line to an area above the active fire in rugged terrain and heavy fuel loads without mitigating the hazard of fire below them.

Watch Out #11. Unburned fuel between you and fire. Crews were working to construct fire line in heavy slash, felled timber and dense timber stands with large amounts of unburned fuel.

Watch Out #13. On a hillside where rolling material can ignite fuel below. The crews were working in a steep terrain including felled timber, standing hazard trees, loose root wads and rolling rocks. Roll-outs and burning hazard trees occurred throughout the Steep Corner fire.

Watch Out #14. Weather is getting hotter and drier. The crews worked from mid-morning into the afternoon with temperatures at the Remote Automated Weather Station (RAWS) predicted to increase to near 95 degrees F and relative humidity decreasing to between 17 to 27 percent and a Haines index of 5.

Watch Out #17. Terrain and fuels make escape to safety zones difficult. Steep terrain and heavy fuels made foot travel slow and hazardous. The fire was burning in the drainage below the road with unburned fuels between the work location and safety zone.

Instance a) Among other methods, feasible and acceptable abatement methods to correct these hazards are to ensure that none of the Standard Fire Orders are violated. Utilizing the simplified LCES (Lookouts, Communications, Escape Routes and Safety Zones) would have prevented most of these hazards from occurring. Hazard recognition and control may involve the addition of safety staff specifically qualified to identify hazards. Once hazards are identified, if they are not immediately corrected, personnel must be removed from the hazardous conditions.

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

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 593958
Inspection Date(s): 08/13/2012 - 01/04/2013
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Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

Instance b) Among other methods, feasible and acceptable methods to correct these hazards are to ensure that where any one of the 18 Watch Out Situations is present, adequate steps be taken to mitigate the hazards. Hazard recognition and mitigation may involve and be enhanced by the addition of safety officers who are specifically qualified to identify hazardous situations and take measures to mitigate the hazards. Once watch out situations are identified, if they are not immediately mitigated, personnel must be removed from the hazardous conditions.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/06/2013
Proposed Penalty:	\$4900.00

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



Citation and Notification of Penalty

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

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

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm from falling hazard trees:

- a. On or about August 11 and 12, 2012, Clearwater-Potlatch Timber Protective Association employees engaged in wild land firefighting were exposed to being struck-by hazard trees while constructing fire line on steep and densely wooded slopes. A significant number of hazard trees had already fallen in the areas where they were working during the first two days of fire activity. Standing hazard trees consisted of snags, burned or burning trees, and/or old growth cedar with a known propensity for center rot and a shallow root system, as found in the Steep Creek riparian area. Helicopter operations were also occurring and there was the potential for trees to domino where crew members were within 1 to 2 tree lengths of the hazard trees.

Among other methods, feasible and acceptable means of abatement would be to identify hazard trees and control the hazards including, but not limited to the following: Eliminate the hazards with qualified sawyers or heavy equipment; Avoid hazards by designating No Work Zones; Modify suppression tactics or fire line location to avoid high risk areas; Keep clear of bucket drops near trees/snags; and Provide timely feedback to others regarding any hazard trees.

ABATEMENT CERTIFICATION AND DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 03/06/2013
Proposed Penalty: \$4900.00

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



Citation and Notification of Penalty

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

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

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

29 CFR 1910.132(a):

Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, were not provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

- a. On or about August 10, 11, and 12, 2012, employees engaged in direct attack fire line construction did not have their fire shelter readily available and were exposed to the danger of burns while fighting a wild fire known as the Steep Corner fire during initial and extended attack.
- b. On or about August 10, 11, and 12, 2012, employees engaged in direct attack fire line construction were wearing denim and double-knee work pants not rated as fire resistant.

Note: Abatement certification is required for this item.

Date By Which Violation Must be Abated:
Proposed Penalty:

03/20/2013
\$4200.00



Citation and Notification of Penalty

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

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

29 CFR 1910.132(b):

Employee-owned equipment. Where employees provide their own protective equipment, the employer did not assure its adequacy, including proper maintenance, and sanitation of such equipment.

- a. On or about August 10, 11, and 12, 2012, employees engaged in direct attack fire line construction were wearing employee-provided denim and double-knee work pants not rated as fire resistant.

Note: Abatement certification is required for this item.

Date By Which Violation Must be Abated:

03/06/2013

A handwritten signature in blue ink, appearing to read "D. Kearns", written over a horizontal line.

David G. Kearns
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1150 North Curtis Road
Suite 201
Boise, ID 83706
Phone: 208-321-2960 Fax: 208-321-2966



INVOICE / DEBT COLLECTION NOTICE

Company Name: Clearwater-Potlatch Timber Protective Association, Inc.
Inspection Site: Steep Corner Fire, Headquarters, ID 83546
Issuance Date: 02/07/2013

Summary of Penalties for Inspection Number	593958
Citation 1, Serious	\$14,000.00
TOTAL PROPOSED PENALTIES	\$14,000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

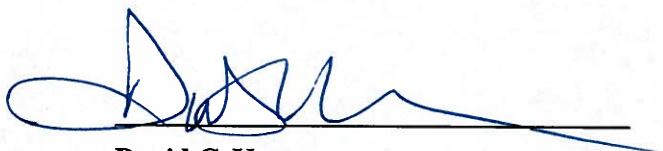
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount

becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



David G. Kearns
Area Director

Feb 7, 2013

Date