

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



Notice of Unsafe or Unhealthful Working Conditions

To:
Forest Service, Nez Perce-Clearwater National Forest,
North Fork Ranger District
12730 Highway 12
Orofino ID 83544

Inspection Number: 583638
Inspection Date(s): 08/13/2012 - 01/04/2013
Issuance Date: 02/07/2013

Inspection Site:
Steep Corner Fire
Headquarters, ID 83546

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 and 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 to 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 US 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 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 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 the 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 certificate 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 implemented through 29 CFR 1960.8(b). If you 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 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. 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 02/07/2013. The conference will be held by telephone or 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: 583638

Company Name: Forest Service, Nez Perce-Clearwater National Forest, North Fork Ranger District

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): _____

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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.

NAME OF COMPANY OFFICIAL

DATE

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.



Notice of Unsafe and Unhealthful Working Conditions

Company Name: Forest Service, Nez Perce-Clearwater National Forest, North Fork Ranger District
Inspection Site: Steep Corner Fire, Headquarters, ID 83546

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

29 CFR 1960.8(a): The head of each agency did not furnish to each employee employment and a place of employment which was free from recognized hazards that are causing or are likely to cause death or serious physical harm, in that employees were exposed to the hazards of entrapment, burns and other hazards associated with wildland firefighting:

- a. Steep Corner fire: On or about August 10, 11, and 12, 2012, seven 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, nor were fire weather observations taken by any crew members.

Fire Order# 2. Know what your fire is doing at all times. On or about August 10, 11 and 12, 2012, Agency crews were not kept informed of the status of the fire including 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 "down and out" or back into the black. Down and out was apparently to be down the slope towards Beaver Creek Road in very steep and heavily timbered terrain and fuels where roll-outs and spot fires were occurring. Back into the black consisted of going into where the fire had been but unburned fuels and hazard trees remained present.

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, 11, and 12, 2012, ground personnel were sharing only two frequencies with regular interruptions. The organization with control over the fire was using numbers to identify each other adding to the confusion. Strategy and tactics of the incident commander and other forces were not communicated. Helicopter bucket drops were occurring without communicating to crews on the ground and ensuring the area was clear of personnel.

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



Notice of Unsafe and Unhealthful Working Conditions

Company Name: Forest Service, Nez Perce-Clearwater National Forest, North Fork Ranger District
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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 fireline 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, Forest Service managers and supervisory personnel at the Steep Corner Fire did not take immediate actions to mitigate nine 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 #3. Safety zones and escape routes not identified. Verbal instructions for Safety zones and escape routes were only unofficially stated as down and out or back into the black. There was no incident action plan for August 10 or 11, 2012 addressing safety zones or escape routes.

Watch Out #5. Uninformed on strategy, tactics, and hazards. Forest Service personnel working on the fire line were not informed on the tactics associated with the gaps left in the control line around hazard trees.

Watch Out #6. Instructions and assignments not clear. Instructions for Forest Service personnel engaged in direct attack did not have clear instructions on how to deal with large gaps in the fireline around hazard trees.

Watch Out #8. Constructing fire line without a safe anchor point. Crews were working on 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 taken additional steps to mitigate the hazard.

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.



Notice of Unsafe and Unhealthful Working Conditions

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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.

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, Agency personnel must be removed from the hazardous conditions.

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 and adequately mitigated, Agency 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



Notice of Unsafe and Unhealthful Working Conditions

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Inspection Site: Steep Corner Fire, Headquarters, ID 83546

Notice 2 Item 2 Type of Violation: **Repeat - Serious**

29 CFR 1960.8(a): The head of each agency did not furnish to each employee employment and a place of employment which was free from recognized hazards that are causing or are likely to cause death or serious physical harm from falling hazard trees:

- a. On or about August 11 and 12, 2012, Agency employees engaged in wildland firefighting were exposed to being struck-by hazard trees while constructing fireline 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.

Forest Service was previously cited for a violation of this Occupational Safety and Health which was contained in OSHA inspection 312391188, Citation 01, Item 004(a), and was affirmed as a final order on 2/23/2010 with respect to a workplace located in the Wallowa-Whitman National Forest, OR.

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 fireline 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

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

David G. Kearns
Area Director