



Telephone: (503) 326-2251  
Reply to the Attention of:

HAND-DELIVERED ON FEBRUARY 8, 2002

U.S. Forest Service  
Region VI  
Duncan Plaza Building  
Portland, Oregon

Re: Inspection Number: 303757231

Regional Forester:

By signing in the space provided herein below, you acknowledge receipt today, February 8, 2002, of the Notice of Unsafe or Unhealthful Working Conditions for Inspection Number 303757231.

Received Notice of Unsafe or Unhealthful Working Conditions on February 08, 2002:

For U.S. Forest Service:

By: Haw Frye

Date: 2/8/02

Regional Forester  
(Title)



## Notice of Unsafe or Unhealthful Working Conditions

**To:**  
U.S. Forest Service  
333 SW First Avenue  
Portland, OR 97204-3410

**Inspection Number:** 303757231  
**Inspection Date(s):** 07/11/2001-  
**Issuance Date:** 02/08/2002

**Inspection Site:**  
215 Melody Lane  
Wenatchee, WA 98801

*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** - 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 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 02/08/2002. The conference will be held at the OSHA office located at Suite 302, 505 106th Avenue N.E., Bellevue, WA, 98004-5033 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  
**Inspection Site:** 215 Melody Lane, Wenatchee, WA 98801

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

29 CFR 1960.8(a): The agency did not furnish employees employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm, in that employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a) Work-rest cycles developed by the Forest Service were not followed. This resulted in a lack of situational awareness and impaired judgement in responding to critical fire situations.

Among others, a feasible and useful method of abating this hazard is to ensure that fire managers adhere to work-rest cycles and that firefighting crews do so as well.

- b) An Incident Commander for all stages of the Thirtymile fire was not clearly assigned. Incident Command was not formally passed between various leaders.

Among others, a feasible and useful method of abating this hazard is to insure that Incident Command is clearly designated on all types of fires, is formally passed between individuals, and evolves to match changes in the fire.

- c) Fire shelter deployment procedures had not been developed for firefighters whose escape routes were compromised. All firefighters must begin preparing for deployment of fire shelters when they are surrounded by fire, even if they believe they are in a safety zone.

Among others, a feasible and useful method of abating this hazard is to develop and enforce procedures for preparing shelter deployment sites when escape routes are compromised.

**Date By Which Violation Must be Abated:**

**03/28/2002**

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See pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.



**Notice of Unsafe or Unhealthful Working Conditions**

**Company Name:** U.S. Forest Service  
**Inspection Site:** 215 Melody Lane, Wenatchee, WA 98801

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

29 CFR 1960.11: The agency did not ensure that the performance evaluation of any management official in charge of an establishment, any supervisory employee, or other appropriate management official, measures that employee's performance in meeting requirements of the agency's occupational safety and health program:

- a) Evaluations of supervisory and management officials at the Okanagan and Wenatchee National Forests, above the level of crew boss, did not have performance elements relating to their support or meeting of the requirements in the occupational safety and health program.

**Date By Which Violation Must be Abated: 03/28/2002**

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

29 CFR 1960.55(a): The Agency did not provide occupational safety and health training for supervisory employees:

- (a) A NWR6 crew member, who had not yet completed his task book and required courses, was assigned as a squad boss.

**Date By Which Violation Must be Abated: 03/28/2002**

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## Notice of Unsafe or Unhealthful Working Conditions

**Company Name:** U.S. Forest Service  
**Inspection Site:** 215 Melody Lane, Wenatchee, WA 98801

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

29 CFR 1960.8(a): The agency did not furnish employees employment and a place of employment which was free from recognized hazards that were causing or likely to cause death or serious physical harm, in that employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a) All of the 10 Standard Fire Orders from the National Wildfire Coordinating Group (NWCG) Fireline Handbook were violated. Supervisors at the Wenatchee National Forest and at the Thirtymile Fire did not ensure that the 10 Fire Orders were followed. The orders were violated in the following manner:

Fire Order 1 - "Fight fire aggressively but provide for safety first." The tactics implemented lacked critical safety procedures, including mandatory escape routes and safety zones.

Fire Order 2 - "Initiate all action based on current and expected fire behavior." Aggressive attack of fire with over-extended resources were used in spite of an increased rate of fire spread, multiple spot fires, and crown fires.

Fire Order 3 - "Recognize current weather conditions and obtain forecasts." A Spot Weather Forecast was not transmitted or requested by management of the Methow Valley Ranger District or Incident Commanders at the Thirtymile Fire.

Fire Order 4 - "Ensure instructions are given and understood." Instructions were not clear in that the Assistant Fire Management Officer, Air Attack, and dispatch, gave conflicting instructions to fire fighting personnel, adding to the confusion.

Fire Order 5 - "Obtain current information on fire status." Decisions on crew assignment were made without obtaining current information on fire status from sources such as lookouts, air attack or personal observation.

Fire Order 6 - "Remain in communication with crew members, your supervisor, and adjoining forces." Due to the breakdown in the incident command structure, communication between the Incident Commander and Engine Bosses was not maintained.

Fire Order 7 - "Determine safety zones and escape routes." Escape routes and a safety zone were not identified prior to assigning squads to attack a spot fire ahead of the main fire.

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Fire Order 8 - "Establish lookouts in potentially hazardous situations." No lookouts were established after 2:00 pm on July 10, 2001, the day of the blowup and turnover.

Fire Order 9 - "Retain control at all times." Leadership was fragmented during the afternoon of July 10th. The incident command structure was not clearly established and resources were ordered and directions given by individuals other than the Incident Commander.

Fire Order 10 - "Stay alert, keep calm, think clearly, act decisively." Fatigue and collateral duties impeded the abilities of key leadership to think clearly and to act decisively when decisions were made to travel up the canyon ahead of the fire without adequate escape routes and no safe zones. Supervisors, managers, and firefighters were not able to stay alert and recognize changing fire conditions.

- b) Forest Service supervisory personnel at the Thirtymile fire did not take immediate actions to mitigate "Watchout" situations. The 18 situations are listed in the NWCG Fireline Handbook. Those which were not mitigated included the following:

Watchout #3 - "Safety zones and escape routes not identified." The fire crew working on the spot fires with the engine ahead of the main fire did not have clear instruction on safety zones or escape routes.

Watchout #4 - "Unfamiliar with weather and local factors influencing fire behavior." Firefighters were unaware of the extreme ERC readings and how that affected fire behavior.

Watchout #5 - "Uninformed on strategy, tactics and hazards." Hazards were never properly recognized, evaluated, and addressed.

Watchout #6 - "Instructions and assignments not clear." Firefighting crews went up the canyon and engaged in fighting spot fires without clear instructions on tactics and strategy.

Watchout #8 - "Constructing fireline without safe anchor point." A secure anchor point was not established when fighting spot fires in front of the main fire.

Watchout #10 - "Attempting frontal assault on fire." NWR 6 and two engines conducted a frontal assault while engaged in spot fire suppression.

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Watchout #11 - "Unburned fuel between you and the fire." While engaged in suppression actions on the spot fires there was a large amount of unburned fuel between the main fire and the crew.

Watchout #12 - "Cannot see main fire, not in contact with anyone who can," A lookout who could continually view the main fire was not posted. Terrain, smoke and vegetation blocked firefighters view of the main fire.

Watchout #16 - "Getting frequent spot fires across line." The NWR #6 crew experienced many spot fires across their control lines from the time they began work at approximately 11:00 a.m. on July 10th.

Watchout #17 - "Terrain and fuels make escape to safety zones difficult." Because of terrain and fuels the entrapment site did not meet the definition of a safety zone.

Among others, a feasible and useful method of abating these hazards is to develop and implement effective procedures to ensure the 10 Standard Fire orders are followed and the 18 Watchout situations are mitigated.

**Date By Which Violation Must be Abated:**

**03/28/2002**

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**Notice of Unsafe or Unhealthful Working Conditions**

**Company Name:** U.S. Forest Service  
**Inspection Site:** 215 Melody Lane, Wenatchee, WA 98801

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

29 CFR 1960.8(a): The agency did not furnish employees employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm in that employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a) Management failed to conduct inspections of firefighting operations, including on-site, front line evaluations of Type 3, 4, and 5 fires to ensure that established safe firefighting practices are enforced.
- b) After-action reports prepared for out-of-forest firefighting crews on Type 3, 4, and 5 fires did not identify safety and health hazards.

Among others, feasible and useful methods of abating these hazards include inspecting all levels of firefighting activity to ensure the safety of firefighters, and preparing after-action reports which address safety and health hazards for out-of-forest firefighting crew on Type 3, 4, and 5 fires.

**Date By Which Violation Must be Abated:**

**03/28/2002**

  
\_\_\_\_\_  
Joy Flack  
Area Director

See pages 1 through 3 of this Notice for information on employer and employee rights and responsibilities.

United States Department of Labor  
Occupational Safety and Health Administration

**ABATEMENT CERTIFICATION FORM - FEDERAL AGENCIES**

Employer Instructions: OSHA's regulation on *Abatement Verification*, 29 CFR 1960.30 requires federal agency employers to certify that they have corrected cited hazards. **Complete and sign this form and mail it to the OSHA office listed below within the latest abatement date on the Notice of Unsafe or Unhealthful Working Conditions.** Failure to do so may result in notification to your agency DASHO. A copy of the completed form must be posted, where affected employees can read it, for three working days after submission to OSHA.

Establishment name: \_\_\_\_\_

Inspection no. \_\_\_\_\_

Citation \_\_\_ item \_\_\_ was corrected on (date) \_\_\_\_\_. Describe corrective actions \_\_\_\_\_.

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*I hereby attest that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the corrective actions described in this certification.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

Mail completed form to:

Area Director  
Dept. Of Labor - OSHA  
Bellevue Area Office  
505 106th Avenue, N.E., Suite 302  
Bellevue, WA 98004-5042

United States Department of Labor  
Occupational Safety and Health Administration

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\_\_\_\_\_  
Signature

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Typed or printed name

**Mail completed form to:**

Area Director  
Dept. Of Labor - OSHA  
Bellevue Area Office  
505 106th Avenue, N.E., Suite 302  
Bellevue, WA 98004-5042