

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)625-2541 FAX: (415)625-2534



Notice of Unsafe or Unhealthful Working Conditions

To:
U.S. FOREST SERVICE
1323 Club Drive
Vallejo, CA 94592

Inspection Number: 310136577
Inspection Date(s): 10/27/2006-07/17/2007
Issuance Date: 07/19/2007

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:
15400 Gorgonio View Road
Banning, CA 92220

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 OSHA 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 OSHA Office promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Notice. Please inform the OSHA 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. This information, if adequate, will allow us to close the case.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the 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 notice 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 that you have received this citation, but not sooner than 30 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 07/19/2007. The conference will be held at the OSHA office located at _____ (location) on _____ (date) at _____ (time). 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: 15400 Gorgonio View Road, Banning, CA 92220

Notice 1 Item 1 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 employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a.) **Esperanza Fire, Gorgonio View Road: On October 26, 2007, U.S. Forest Service (USFS) Firefighters were directed to provide structure protection and evacuate residents of the Twin Pines Community, exposing them to hazardous conditions of a burnover. The USFS failed to comply with Fire Order #1 - "Keep informed on fire weather conditions and forecasts"; Watch Out #14 - "Weather is getting hotter and drier"; and Watch Out #15 - "Wind increases and/or changes direction."**

USFS crews were dispatched out by the Unified Command for structure protection and evacuation of residents. Dispatched crews were not briefed on the fire situation, local weather (including Santa Ana winds), and danger areas. They were not given maps showing fire areas.

ABATEMENT VERIFICATION DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated: 08/13/2007

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: 15400 Gorgonio View Road, Banning, CA 92220

Notice 1 Item 2 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 employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a.) Esperanza Fire, Gorgonio View Road: On October 26, 2007, U.S. Forest Service (USFS) Firefighters were directed to provide structure protection and evacuate residents of the Twin Pines Community, exposing them to hazardous conditions of a burnover. The USFS failed to comply with Fire Order #8 - "Give clear instructions and insure they are understood"; Fire Order #9 - "Maintain control of your forces at all times"; and Watch Out #6 - Instructions and assignment not clear." The Branch Director ordered Engine 57 to relocate to a designated safe location, once the fire entered the drainage. Engine 57 did not follow orders that was communicated by the Branch Director.

ABATEMENT VERIFICATION DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated: 08/13/2007

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Notice of Unsafe or Unhealthful Working Conditions

Company Name: U.S. FOREST SERVICE
Inspection Site: 15400 Gorgonio View Road, Banning, CA 92220

Notice 1 Item 3 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 employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a.) Esperanza Fire, Gorgonio View Road: On October 26, 2007, U. S. Forest Service (USFS) Firefighters were directed to provide structure protection and evacuate residents of the Twin Pines Community, exposing them to hazardous conditions of a burnover. The USFS failed to comply with Watch Out #2 - "In country not seen in daylight." USFS Firefighters arrived at the scene during the night. USFS Firefighters did not see the area prior to the fire. In addition, area maps were not provided to the USFS Firefighters.

ABATEMENT VERIFICATION DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated: 08/13/2007

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Notice of Unsafe or Unhealthful Working Conditions

Company Name: U.S. FOREST SERVICE
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Notice 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 employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a.) Esperanza Fire, Gorgonio View Road: On October 26, 2007, U.S. Forest Service (USFS) Firefighters were directed to provide structure protection and evacuate residents of the Twin Pines Community, exposing them to hazardous conditions of a burnover. USFS Firefighters were positioned in front of the fire. The USFS failed to comply with Watch Out #10 - "Attempting frontal assault on fire." The fire festered in the drainage below the Firefighters' position leaving Engine 57 in an indefensible position. The fire and Santa Ana winds lined up directly in front of their position resulting in a burnover.

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Notice of Unsafe or Unhealthful Working Conditions

Company Name: U.S. FOREST SERVICE
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Notice 1 Item 5 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 employees were exposed to the hazards of burns, smoke inhalation, and death from fire-related causes:

- a.) Esperanza Fire, Gorgonio View Road: On October 26, 2007, U.S. Forest Service (USFS) Firefighters were directed to provide structure protection and evacuate residents of the Twin Pines Community. The USFS failed to comply with Watch Out #11 - "Unburned fuel between you and the fire." The USFS Firefighters were in a chimney facing the wind direction, on a slope with unburn vegetation between them and the fire which exposed the employees to a burnover.

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Notice 1 Item 6 Type of Violation: **Serious**

29 CFR 1910.132(a): Protective equipment was not used when necessary whenever hazards capable of causing injury and impairment were encountered:

- a.) Esperanza Fire, Gorgonio View Road: On October 26, 2007, U.S. Forest Service (USFS) Firefighters were directed to provide structure protection and evacuate residents of the Twin Pines Community. Engine 52 was observed without turn out gear on while evacuating a resident during the fire. Engine 57 was observed without turn out gear on while responding to the fire.

ABATEMENT VERIFICATION DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated: 08/13/2007

A handwritten signature in cursive script, reading "Connie Hunt", is positioned above a horizontal line.

Connie Hunt
Director, Enforcement & Investigations

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