

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)625-2547 FAX: (111)222-3333



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## Notice of Unsafe or Unhealthy Working Conditions

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**To:**  
U.S. Forest Service  
1330 Bayshore Way  
Eureka, CA 95501-3834

**Inspection Number:** 313586778  
**Inspection Date(s):** 07/22/2009-07/24/2009  
**Issuance Date:** 10/02/2009

**Inspection Site:**  
Backbone Helibase  
Willow Creek, CA 95573

*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.*

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This Notice of Unsafe or Unhealthy 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** - 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 the 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 that 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 certification 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 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 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 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 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](http://WWW.OSHA.GOV). If you have any dispute with the accuracy of the information displayed, please contact this office.

ABATEMENT CERTIFICATION

James D. Wulff, Area Director  
U.S. Department of Labor - OSHA  
San Francisco Federal Building  
90 7th Street, Suite 18100  
San Francisco, CA 94103  
Phone: (415)625-2547

U.S. Forest Service  
1330 Bayshore Way  
Eureka, CA 95501-3834

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Notice \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
Describe how hazard was corrected. \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Notice \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
Describe how hazard was corrected. \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Notice \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
Describe how hazard was corrected. \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Notice \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
Describe how hazard was corrected. \_\_\_\_\_

The hazard referenced in Inspection Number \_\_\_\_\_ for the violation identified as  
Notice \_\_\_\_\_ and Item \_\_\_\_\_ was corrected on \_\_\_\_\_.  
Describe how hazard was corrected. \_\_\_\_\_

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or Printed Name



## 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 10/02/2009. The conference will be held at the OSHA office located at San Francisco Federal Building, 90 7th Street, Suite 18100, San Francisco, CA, 94103 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:** Backbone Helibase, Willow Creek, CA 95573

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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 are free from recognized hazards that are causing or are likely to cause death or serious physical harm in that employees were exposed to the hazard of falling while rappelling from helicopters:

- (a) Willow Creek, California - On July 21, 2009 and at times prior thereto, employees of the U.S. Forest Service (USFS) rappelled from public use helicopters, where they were not protected from the hazard of falling. The USFS failed to ensure that rappeller's Bourdon snap hook was properly assembled into the Mallion Rapide Delta Tri-Link ensuring a positive connection to the HR-2 rappel harness prior to being authorized to board the helicopter for a rappelling operation.
- (b) Willow Creek, California - On July 21, 2009 and at times prior thereto, employees of the USFS rappelled from public use helicopters, where they were not protected from the hazard of falling. The USFS failed to ensure that the rappeller's Bourdon snap hook was properly assembled into the Mallion Rapide Delta Tri-Link and properly connected to the Ski Genie prior to being authorized to disconnect the gunner's strap and exit the helicopter's door for a rappelling operation.

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See pages 1 through 5 of this Notice for information on employer and employee rights and responsibilities.



Notice of Unsafe or Unhealthful Working Conditions

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AMONG OTHER METHODS, THE FOLLOWING STEPS PROVIDE FEASIBLE AND ACCEPTABLE ABATEMENT METHODS TO CORRECT THESE HAZARDS ARE:

- (1) Update the IHRG and train rappelling personnel that only a USFS qualified/certified spotter may attach the Bourdon snap hook and the Mallion Rapide Tri-Link to the HR-2 rappel harness.
- (2) Update the IHRG and train rappelling personnel to ensure the proper placement of the Bourdon snap hook into the Mallion Rapide Tri-Link. The IHRG must clearly communicate/illustrate the prohibited practice and potential hazard of placement of the Bourdon snap hook outside of the Mallion Rapide Tri-Link. The accidental placement of the Bourdon snap hook in this matter would unsafely hold the Bourdon snap hook in location by only a rubberized O-ring.
- (3) Update the IHRG and train rappelling personnel that the threaded locking gate must be wrench tight with a painted line on the locking nut and shaft of the Mallion Rapide Tri-Link. This protective measure will provide a visual verification that the locking nut had not been opened or tampered with since it was last installed by a qualified spotter.
- (4) Update the IHRG and train rappelling personnel that it is a prohibited practice to open the Mallion Rapide Tri-Link to don the HR-2 rappel harness. The harness must be donned by pulling over the rappeller's head in a similar fashion as donning a T-shirt.

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- (5) Update the IHRG and train rappelling personnel the Bourdon snap hook must be taken into their hands and physically rotated in each direction until there is a positive stop of the metal eye on the Bourdon snap hook to the metal of the Mallion Rapide Delta Tri-Link. This action must be self performed by the rappeller each time he/she dons the rappelling harness, by the buddy during the buddy check, and by the spotter prior to boarding the aircraft. Finally the spotter will physically grab the Bourdon snap hook and verify a proper connection between the Ski-Genie and the HR-2 rappel harness before authorizing the rappeller to release his/her gunner's strap.

**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 11/20/2009

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Notice of Unsafe or Unhealthful Working Conditions

Company Name: U.S. Forest Service  
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Notice 2 Item 1 Type of Violation: **Willful**

Section 19(d) of the Occupational Safety and Health Act of 1970: The head of the agency failed to provide the Secretary of Labor access to records and reports kept and filed by Federal agencies pursuant to Section 19(a)(3) of the Occupational Safety and Health Act of 1970; in that, the agency failed to provide access to records of all occupational accidents and illnesses:

OR IN THE ALTERNATIVE

29 CFR 1960.29(d): The investigative report of the accident did not include appropriate documentation on date, time, location, description of operations, description of accident, photographs, interviews of employees and witnesses, measurements, and other pertinent information. The investigative report was not made available to the Secretary or his authorized representative on request:

- (a) On July 28, 2009 a request was made to the Regional Forester for Region 5 to produce copies of the notes of interviews and interview statements of witnesses concerning the Willow Creek rappelling fatality that occurred on July 21, 2009. On August 4, 2009 the Deputy Regional Forester for Region 5 stated in writing that the U.S. Forest Service would not comply with OSHA's request. This request was made by an Authorized Representative of the Secretary of Labor.

NOTE: In accordance with Section 19(d) of the Occupational Safety and Health Act the agency head is only allowed to withhold the requested documents when required by a Presidential Executive Order to be kept secret in the interest of national defense or foreign policy. Since this case does not involve matters of national defense or foreign policy, the agency head is in direct violation of the Occupational Safety and Health Act of 1970 and Presidential Executive Order No. 12196.

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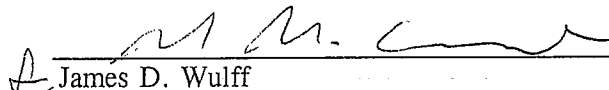
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**ABATEMENT VERIFICATION DOCUMENTATION REQUIRED**

Date By Which Violation Must be Abated: 11/20/2009

  
James D. Wulff  
Director, Enforcement & Investigations

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