

Oregon Department of Consumer and Business Services

Oregon Occupational Safety and Health Division (OR-OSHA)

1750 NW Naito Parkway Suite 112

Portland, OR 97209-2533

Phone: (503)229-5910



Citation and Notification of Penalty

To:

Russel Blow President
North American Power Line Construction Services Inc
Corporation Service Company
285 Liberty St NE
Salem, OR 97301

Inspection Number: 317066439(11)
Inspection Date(s): 04/25/2013-06/11/2013
Issuance Date: 06/25/2013
Optional Rpt Num: B9820-057-13
Employer ID No: 2661528-000

Inspection Site:

6936 NE MLK Blvd
Portland, OR 97211

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.

In the interest of assuring a safe and healthy workplace, the Oregon Occupational Safety and Health Division (OR-OSHA) conducted an inspection at a workplace under your control. During this inspection, violations of the Oregon Safe Employment Act and occupational health and/or safety rules were found.

This citation lists the violations and a date by which they must be corrected. If you are not able to correct the violations by the correction date, you must apply for an extension of the correction date by following the instructions outlined later in this citation. Oregon laws require that under certain conditions violations of occupational safety and health rules carry a civil penalty. If penalties have been assessed on this citation, they have been computed in conformity with Oregon Administrative Rules, Chapter 437, Division 1. If you want to appeal this citation, file your request for hearing within 30 calendar days as outlined on the reverse side of this page. If you choose not to appeal this citation, it becomes a final order 30 calendar days after receiving it. You must abate the violations referred to in this Citation by the dates listed, and pay the proposed penalties.

An effective Safety and Health program not only assures the correction of cited violations, it also requires actions to prevent violations from recurring. Through continued cooperation of employers, employees and OR-OSHA, a safe and healthful workplace for all Oregon employees can be achieved.

COPY

Michael D. Wood, Administrator
Oregon OSHA

PLEASE SEE REVERSE SIDE OF PAGE FOR IMPORTANT INFORMATION

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 has (have) been abated, or for 3 working days (excluding weekends and holidays), whichever is longer.

Penalty PAYMENT - Penalties are due 20 days after the citation becomes final order (which is 30 days after receipt of this citation, unless appealed). Make your check or money order payable to "Department of Consumer & Business Services" (DCBS), and mail to **DCBS, Fiscal Services Section, PO Box 14610, Salem OR 97309-0445**. Please include the Inspection Number on the remittance and return a copy of the invoice with payment. OR-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 they do not exist.

Employer APPEAL Rights - To appeal a citation, you must clearly state in writing that you are requesting a hearing on the citation and specify the alleged violation(s) contested and the grounds upon which you consider the citation, proposed penalty(ies), or correction period to be unlawful. The request for an appeal must be filed within **30** calendar days of receipt of the citation. An appeal is considered filed on the date of postmark, if mailed, or on the date of receipt if transmitted by other means. If mailed, the appeal letter should be sent to: **Oregon OSHA, PO BOX 14480, Salem OR 97309-0405**. You can file an appeal on-line at www.orosha.org/appeals.html

A request for an informal conference alone is not an appeal of a citation, and any unresolved issues discussed at an informal conference will not be forwarded for appeal unless there is a timely request for hearing filed.

If you do not request a hearing within the required time frame, this citation will become a final order that is not subject to review by any agency or court.

IMPORTANT NOTE: Appealing a serious violation or the reasonableness of the correction date does not automatically extend the correction date. You may apply for an extension of the correction date through OR-OSHA or request an expedited hearing on the issue of the correction date with the Workers' Compensation Board Hearings Division (Oregon Revised Statute 654.078(6)).

Letter of Corrective Action - You are required to complete and mail the enclosed Letter of Corrective Action to the appropriate field office on or before the latest correction date on the citation. Please provide a detailed explanation and supporting documentation (if necessary), such as drawings or photographs of corrected violations, purchase or work orders, air sampling results, etc.

EXTENSION of Correction Date - To apply for an extension for correcting a violation, submit a written request to the **office** on the "Letter of Corrective Action" or on-line at www.orosha.org/appeals.html, and include:

- (1) Employer name and address.
- (2) The location of the place of employment.
- (3) The inspection number and optional report number.
- (4) The violation number for which the extension is sought.
- (5) The reason for the request.
- (6) All available interim steps being taken to safeguard employees against the cited hazard during the requested extended correction period.
- (7) The date by which you propose to complete the correction.
- (8) A statement that a copy of the request for extension has been posted as required by OAR 437-001-0275(2)(d) and (j) or for at least 10 days, whichever is longer; and, if appropriate, provided to the authorized representative of affected employees; and, certification of the date upon which the posting or service was made.

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Your request must be postmarked or received by the Department no later than the correction date of the violation for which the extension is sought.

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 with the Bureau of Labor & Industries (BOLI) no later than 90 days after the discrimination occurred.

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 is unreasonable. The objection letter must be mailed to OR-OSHA and postmarked within 30 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Adopting Federal Rules by Reference - Whenever federal rules have been adopted by reference, the federal rule number has been noted in the citation. If information is needed regarding the Oregon standard, contact the OR-OSHA field office addressed at the top of the first page of this citation.

Posting on the Internet - Federal OSHA publishes information on all inspections 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 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.

If you would like to discuss this citation, call the OR-OSHA office in your area:

Portland (503) 229-5910
Eugene (541) 686-7562

Salem (503) 378-3274
Bend (541) 388-6066

Medford (541) 776-6030

COPY

Oregon OSHA

Oregon Department of Consumer & Business Services

Inspection Number: 317066439

Inspection Dates: 04/25/2013-06/11/2013

Issuance Date: 06/25/2013



Citation and Notification of Penalty

Optional Rpt Num: B9820-057-13

Company Name: North American Power Line Construction Services In

Inspection Site: 6936 NE MLK Blvd, Portland, OR 97211

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

29 CFR 1926.502(d)(20): The employer did not provide for prompt rescue of employees in the event of a fall or did not assure that employees were able to rescue themselves:

a) Employees climbing the cell towers while using personal fall arrest systems were not trained and evaluated to assure self-rescue and were not provided a method of prompt rescue in the event of a fall resulting in suspension in the harness.

Date By Which Violation Must be Abated:	07/12/2013
Proposed Penalty:	\$ 840.00

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

29 CFR 1926.1053(b)(1): Portable ladders were used for access to an upper landing surface and the ladder side rails did not extend at least 3 feet (.9 m) above the upper landing surface to which the ladder was used to gain access:

a) The 16-foot extension ladder used for access to the ice bridge extended only 18 inches above the upper landing onto the ice bridge thereby exposing the employee to potential falls over 12 feet to the ground.

THIS VIOLATION WAS COMPLIED WITH AT THE TIME OF INSPECTION.

Date By Which Violation Must be Abated:	04/25/2013
Proposed Penalty:	\$ 840.00

COPY

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

Oregon OSHA

Oregon Department of Consumer & Business Services

Inspection Number: 317066439

Inspection Dates: 04/25/2013-06/11/2013

Issuance Date: 06/25/2013



Citation and Notification of Penalty

Optional Rpt Num: B9820-057-13

Company Name: North American Power Line Construction Services In

Inspection Site: 6936 NE MLK Blvd, Portland, OR 97211

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

OAR 437-003-3224(3)(b): The employer did not require employees to report any safety problems effecting vehicles owned or provided by the employer:

a) For the flatbed truck #187 being used with holes in the truck bed that employees can step into and strain or break a lower limb.

Date By Which Violation Must be Abated:	07/12/2013
Proposed Penalty:	\$ 200.00

COPY

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

Oregon OSHA

Oregon Department of Consumer & Business Services

Inspection Number: 317066439

Inspection Dates: 04/25/2013-06/11/2013

Issuance Date: 06/25/2013



Citation and Notification of Penalty

Optional Rpt Num: B9820-057-13

Company Name: North American Power Line Construction Services In

Inspection Site: 6936 NE MLK Blvd, Portland, OR 97211

Citation 2 Item 4 Type of Violation: Other

OAR 437-001-0700(22): When an authorized government representative asked for the records kept in compliance with this standard, the employer did not provide copies of the records within four (4) business hours:

a) For not providing the 300A and 300 log for the years 2012, 2011, and 2010 when requested by the compliance officer on April 26, 2013.

Date By Which Violation Must be Abated:	07/12/2013
Proposed Penalty:	\$ 100.00

Citation 2 Item 5 Type of Violation: Other

29 CFR 1926.150(c)(1)(viii): Portable fire extinguishers were not inspected periodically and maintained in accordance with maintenance and use of portable fire extinguishers, N.F.P.A. No. 10A1970:

a) For the portable fire extinguisher from truck #187 that has not been inspected or maintained.

Date By Which Violation Must be Abated:	07/12/2013
Proposed Penalty:	\$ 0.00

TOTAL PROPOSED PENALTIES	\$ 1,980.00
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COPY

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



OREGON OSHA INSPECTION SUPPLEMENT



71F/Sunday/DAY

1. IMIS no.: 317066439 2. Opt rpt no.: B9820-05213 3. Emp. no.: 2661528-000

4. Date: 4/25/13 Time on site: 12:50pm Time out: 3:15pm Travel time: _____

5. Total inspection time: _____ 6. Legal entity: Corporation Partnership Sole

7. Legal name: North American Power Line Construction Services Inc

8. DBA: _____ E-mail: _____

9. Phone: 503-734-4634 Cell/fax: _____

10. Site address: 6936 NE mlk Jr Blvd Portland OR 97211

11. Mailing address: 10 Cordage Park Cir Plymouth, MA 02360

12. Employed in establishment: 2 Covered by inspection: 2 Employed in Oregon: 10 Statewide average DART: 3.6

14. OSHA 300 Logs: year 2012 year _____ year _____

H	I	H	I	H	I
0	0				

Hours worked each year: *Not provided to SSC

DART rate: _____

Formula: $H + I \times 200,000 \div \text{hours worked} = \text{DART rate}$

15. Type of operation: cell tower construction 16. SIC: 1623 17. NAICS: 237130

18. Management representatives:	Title	Opening	Insp.	Closing
<u>Darin Dufree - Foreman</u>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Greg Shippy - ops manager</u>	<u>503-734-4440</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Vaughan Valcan - supervisor</u>	<u>Noted</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Matt Sala - manager</u>	<u>503-734-4634</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. Employee representatives:	Title	Opening	Insp.	Closing
<u>Chris Heard - dunny/grownd</u>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Photos taken: Yes No Video: Yes No Audio: _____ (# of tapes)

21. Workers' comp. insurance carrier: 15 CO-R Number: _____

22. Union name/address: _____

23. Does employer lease any employees? Yes No Leasing co. name: _____

24. Citation copies: _____

06/19/13 RCVD OROSHA

COMPLIANCE OFFICER: Tim Mariani DATE: 4/25/13
Print name



Notice of Alleged Safety or Health Hazards

Mon Jun 17, 2013 11:14am

		Complaint Number		209055706	
Establishment Name		North American Power Line Construction Services In			
Site Address		6936 NE MLK Jr Blvd, Portland, OR 97211			
		Site Phone		Site FAX	
Mailing Address		10 Cordage Park Cir, Plymouth, MA 02360			
		Mail Phone		Mail FAX	
Management Official				Telephone	
Type of Business		Cell Phone Tower Climbing		Ownership	
Primary SIC		4899		Primary NAICS	517212
HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists.					

DESCRIPTION:

1. Employees do not receive adequate training in rescue. There is a rescue "kit" on some sites but the employees do not know what's in the kit or how to use it. Work sites are often in remote locations. There has never been any practice sessions for rescue.

Findings: Violation found, a citation will be issued for lack of training.

2. Portable fire extinguishers taken to job sites have no tags and don't get checked on a monthly basis.

Findings: Violation found, a citation will be issued for not inspecting and maintaining portable fire extinguishers.

3. Cords used on job sites are damaged, with conductors showing through the cut sheathing.

Findings: Violation found, a citation will be issued for not inspecting electrical equipment.

4. RF Monitors are not worn.

Findings: A Referral was made to Health Enforcement for evaluation.

LOCATION:



Notice of Alleged Safety or Health Hazards

Fri Apr 26, 2013 7:47am

		Complaint Number	209055706
Establishment Name	North American Power Line Construction Services In		
Site Address	6936 NE MLK Jr Blvd, Portland, OR 97211		
	Site Phone	Site FAX	
Mailing Address	10 Cordage Park Cir, Plymouth, MA 02360		
	Mail Phone	Mail FAX	
Management Official		Telephone	
Type of Business	Cell Phone Tower Climbing	Ownership	
Primary SIC	4899	Primary NAICS	517212
HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists.			

DESCRIPTION:

1. Employees do not receive adequate training in rescue. There is a rescue "kit" on some sites but the employees do not know what's in the kit or how to use it. Work sites are often in remote locations. There has never been any practice sessions for rescue.
2. Portable fire extinguishers taken to job sites have no tags and don't get checked on a monthly basis.
3. Cords used on job sites are damaged, with conductors showing through the cut sheathing.

LOCATION:

ADD
RF monitors
not worn
onto this
complaint

Nolan original "green"
6/17/13 Mij

CONFIDENTIAL
 Information
 has been removed

If you are an authorized representative of employees affected by this complaint, please provide the name of the organization that you represent and your title:						
Organization Name:			Your Title:			
OFFICIAL USE ONLY:						
Identification	Reporting ID	1054111	Previous Activity	0	Opt. Number	213
	Establishment Name Change? <input type="checkbox"/> Yes <input type="checkbox"/> No	Site Address Change? <input type="checkbox"/> Yes <input type="checkbox"/> No	Employer ID		City Code	County Code
			2661528-000		1650	051
Receipt Information	Received By		Send OSHA-7? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date: 04/22/13 Time:		Supervisor(s) Assigned
	S1934					S1934
Industry & Ownership		A. Private Sector				
Complaint Evaluation	Evaluated By		S1934			
	Is this a Valid Complaint? --		Yes			
	Formality --		Non Formal			
	Migrant Farmworker Camp? --		--			
		Subject/Severity		Safety-Serious		
Send Letter	Type			Date Letter Sent	Date Response Due	
	C. OSHA-7 for Signature			04/26/13	05/09/13	
Received Letter	Type			Date Letter Received	Evaluation	
Complaint Action	Inspection Planned?		If Yes, Priority:		If No, Reason:	
	Yes		2			
	Transfer To (Name)		Transfer Date			
		Transfer To Category				
Strategic Initiatives						
National Emphasis						
Local Emphasis						
Optional Information	Type	ID	Value			
Close Complaint						

COMMENTS



Oregon

John A. Kitzhaber, MD, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)

April 26, 2013

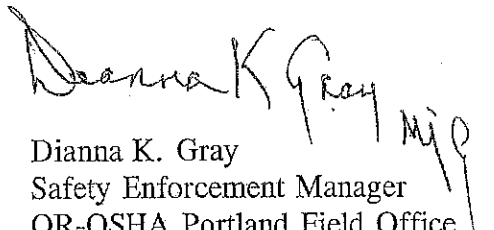
CONFIDENTIAL
Information
has been removed

This letter is in response to your complaint filed with this office on April 22, 2013, concerning working conditions at North American Power Line Construction Services In.

Enclosed is a copy of the form on which your complaint information was written. Please read the form carefully and if any information is inaccurate, please write any changes on it, then sign your name on the signature line. Please return the entire complaint form within 5 days to this office in the enclosed envelope. Your signature is required to assure your confidentiality in filing this complaint.

Please be advised that Oregon law prohibits employers from discriminating against employees who lodge complaints against their employer for unsafe and unhealthful work conditions. If you have been treated in a discriminatory manner because of your complaint, you may file a discrimination complaint directly with the BOLI/Civil Rights Division, Portland State Office Building, 800 NE Oregon St #32, Portland OR 97232 (971) 673-0764. Any such complaint must be filed with BOLI within ninety (90) days after you have reasonable cause to believe you have been discriminated against.

If you have any questions, please contact us. Thank you for your interest in promoting safe and healthful working conditions.


Dianna K. Gray
Safety Enforcement Manager
OR-OSHA Portland Field Office
1750 NW Naito Parkway Suite 112
Portland OR 97209-2533
(503) 229-5910

209055706-mjg

Enclosure

cc: Central Files
Field Office Files





Oregon

John A. Kitzhaber, MD, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)

North American Power Line Construction Services In
10 Cordage Park Cir
Plymouth MA 02360

Inspection Number: 317066439
Optional Report Number: B9820-057-13
Employer Number: 2661528-000
Inspection Date: 04/25/2013

The Oregon Occupational Safety and Health Division (OR-OSHA) conducted an inspection of your workplace located at 6936 NE MLK BLVD, Portland, Oregon. The inspection was to determine if safety or health hazards were present which could cause injury or illness to your employees. Violations of safety and/or health rules were found during this inspection and the citation is enclosed.

In addition, the OR-OSHA representative noted certain conditions that are listed on the following page, which could cause injuries and/or illnesses. Although it is not mandatory to correct them at this time, if the work process, operation, exposure, etc., changes, these conditions could be cited as violations during future inspections. By initiating corrective measures, you could reduce the high cost and human suffering associated with work-related injuries and illnesses.

There may be other hazards present which were not apparent at the time of the inspection. If you need assistance in identifying and/or eliminating health or safety hazards consultative and training services are available to you at no cost through OR-OSHA by calling (503) 378-3272.

Your continuing effort to identify and eliminate work-related hazards is appreciated.

Dianna K. Gray
Safety Enforcement Manager
OR-OSHA Portland Field Office
1750 NW Naito Parkway Suite 112
Portland OR 97209-2533
(503) 229-5910

317066439-mjg



NOTICE

Employer Name: North American Power Line Construction Services In
Employer Number: 2661528-000
Inspection Number: 317066439
Optional Report Number: B9820-057-13

THE FOLLOWING IS A LIST OF CONDITIONS WHICH COULD CAUSE WORK-RELATED INJURIES OR ILLNESSES TO EMPLOYEES. ALTHOUGH NOT MANDATORY AT THIS TIME THE OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION ENCOURAGES YOU TO INITIATE CORRECTIVE MEASURES FOR THESE PROBLEM AREAS IN THE INTEREST OF REDUCING THE HIGH COST AND HUMAN SUFFERING ASSOCIATED WITH WORK-RELATED INJURIES AND ILLNESSES.

Item 1-01 Employees working below where workers are working aloft on cell towers are required to be protected from falling objects at all times. The area can be barricaded off, an overhead guard can be used, or a protective net under the workers aloft to catch anything dropped. At no time can workers be below workers aloft without falling object protection adequate to prevent penetration and injury. A hard hat is not adequate protection for this purpose. During the inspection it was determined employees are directed to work below others aloft on cell towers. These employees were instructed in the event of a dropped part or tool the following procedure. The worker above will yell out "head Ache" and the worker below would stand still and not look up. The hard hat was the only protection provided.

02 HAZARD (code related) WORKSHEET

Employer Name: North American Power Line Construction Services Inc
Report No: B9820-057-13

Employees working below where workers are working aloft on cell towers are required to be protected from falling objects at all times. The area can be barricaded off, an overhead guard can be used, or a protective net under the workers aloft to catch anything dropped. At no time can workers be below workers aloft without falling object protection adequate to prevent penetration and injury. A hard hat is not adequate protection for this purpose. During the inspection it was determined employees are directed to work below others aloft on cell towers. These employees were instructed in the event of a dropped part or tool the following procedure. The worker above will yell out "head Ache" and the worker below would stand still and not look up. The hard hat was the only protection provided.

INSPECTION NARRATIVE

Date of Inspection: April 25, 2013

Legal Name: North American Power Line Construction Services Inc

Optional Report No: B9820-057-13

Purpose: Complaint

Background Information: The Company has only been in the cell tower construction business for less than one year. Previously they were cable TV installers. None of the employees interviewed had previous cell tower experience. This is the first of two inspections related to complaint #209055706.

Inspection Activities/Observations: The SSCO observed a worker aloft approximately 50 feet in height on the cell tower upon arrival. The SSCO took several photos and walked onto the site. The SSCO opened the inspection with the Foreman on site and provided him a copy of the complaint. The foreman was the worker on the cell tower pole. The walk around was conducted focused on the complaint items. Interviews were conducted with the two workers on site. During the walk around the inspection was expanded to include several serious hazards identified by the SSCO. Two of the four complaint items were found and cited. One complaint item, the RF exposure issue was referred to Health Compliance. The SSCO contacted the Manager and requested records. The records were not received in the time span of 6 weeks. The closing was attempted three times without results. A closing letter will be sent along with a hazard letter for falling object hazards.