

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: 317066496(11)
Inspection Date(s): 04/26/2013-06/10/2013
Issuance Date: 06/25/2013
Optional Rpt Num: B9820-058-13
Employer ID No: 2661528-000

Inspection Site:
2245 NE 36th Ave
Portland, OR 97212

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

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Citation and Notification of Penalty

Optional Rpt Num: B9820-058-13

Company Name: North American Power Line Construction Services In
Inspection Site: 2245 NE 36th Ave, Portland, OR 97212

Citation 1 Item 1 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 (S/N XN-425551) carried by the crew in vehicle 215 that has not been inspected or maintained as required by the referenced rule.

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

TOTAL PROPOSED PENALTIES	\$ 0.00
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See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



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:

INSPECTION NARRATIVE

Date of Inspection: April 25, 2013

Legal Name: North American Power line Construction Services Inc

Optional Report No: B9820-058-13

Purpose: Complaint

Background Information: This is the second inspection related to complaint #209055706. The site was evaluated for the complaint items listed. The SSCO did not expand the scope at this site. The SSCO needed an additional site to evaluate and additional interviews to determine the validity of the complaint items.

Inspection Activities/Observations: The SSCO conducted the opening conference with the Foreman and conducted the walk around. Interviews were conducted with several employees focused on the complaint items. These information gathered during these interviews will be used along with previous interviews and evidence obtained during the first inspection to support several alleged violations cited under Opt. # B9820-057-13. Three closing attempts were made. A closing letter will be sent.

The employer will be cited one O/S Violation for not inspecting and maintaining portable fire extinguishers.