

Inspection Number: 317727743
Employer Name: River Roofing Bend LLC

Oregon OSHA - ENFORCEMENT

01/21/21 03:58 PM

Request Date: 01/21/2021 **Field Office:** Bend Safety
Inspection No.: 317727743 **Optional Report No:** B1514- 047-20
Employer Name: River Roofing Bend LLC
Location Address: 60925 15th St
Bend, OR 97702
Contact Name: Andrea D. Coit
Contact Address: PO Box 10886
Eugene, OR 97440
Contact Phone: 541-844-8949 **Contact Email:** acoit@eugenelaw.com

Violation	Citation No.	Item No.	Group No.
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OAR 437-001-0760(1)(b)(C)	1	1	
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Appeal Reason: River Roofing Bend disputes the finding of a violation of OAR 437-001-0760(1)(b)(C) and, even if a violation occurred, disputes that sufficient evidence supports a finding of a "Serious" violation under the circumstances of this case.

Additional Requests:

Yes No Do you wish to attend an informal conference with Oregon OSHA in an attempt to negotiate a possible settlement?



Citation and Notification of Penalty

To:

Craig Junker, Member
River Roofing Bend LLC
778 NE 11th St
Redmond, OR 97756

Inspection Number: 317727743(15)
Inspection Date(s): 08/04/2020-12/08/2020
Issuance Date: 12/31/2020
Optional Rpt Num: B1514-047-20
Employer ID No: 8544595-000

Inspection Site:

60925 15th St
Bend, OR 97702

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 (Oregon 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 next 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 Oregon OSHA, a safe and healthful workplace for all Oregon employees can be achieved.

Michael D. Wood, Administrator
Oregon OSHA

COPY

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). Either 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**, or pay online at <http://osha.oregon.gov/rules/enf/Pages/citations.aspx#req>. Please include the Inspection Number on the remittance and return a copy of the invoice with payment. Oregon 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. You can file an appeal in writing or on-line at <http://osha.oregon.gov/rules/enf/Pages/citations.aspx#req>. An appeal is considered filed on the date of the 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**.

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 Oregon 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, go online to submit a written request to <http://osha.oregon.gov/rules/enf/Pages/citations.aspx#req>, or submit a written request to the **office listed on the "Letter of Corrective Action"** 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.

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.

COPY

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 Oregon 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 Oregon 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 Oregon 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 and Business Services

Inspection Number: 317727743(15)
Inspection Date(s): 08/04/2020-12/08/2020
Issuance Date: 12/31/2020



Citation and Notification of Penalty

Optional Rpt Num: B1514-047-20

Company Name: River Roofing Bend LLC

Inspection Site: 60925 15th St Bend, OR 97702

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

OAR 437-001-0760(1)(b)(C): The employer did not take all reasonable means to require employees to use all means and methods, including but not limited to ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, that were necessary to safely accomplish all work where employees were exposed to a hazard:

a) From approximately February 2020 to the day of the incident on August 4, 2020, the employer did not ensure 5 employees were protected from serious injuries or death by taking all reasonable means and methods to control such serious hazards related to using the Little Giant Trailer on a 3:12 pitch roof. As evidence by, the operator's instruction manual for the Garlock Little Giant Trailer states on pg. 5: For use on flat, level roofs only. One employee was fatally injured as a result of failing to restrict the use of the Little Giant Trailer on the roof of the Caldera High school located at 60925 15th St., in Bend, Oregon.

THIS VIOLATION WAS COMPLIED WITH AT THE TIME OF INSPECTION

Proposed Penalty: **\$3,600.00**

Total Proposed Penalty: \$3,600.00

COPY

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



OREGON OSHA INSPECTION SUPPLEMENT



1. IMIS no.: 317727743 2. Opt rpt no.: 21514-047-20 3. Emp. no.: 8544595

4. Date: 8/4/20 Time on site: 9am Time out: 10:30 Travel time: .5
8/5/20 2:10 4:02 .5
8/7/20 8am 3:30pm .5
8/12/20 9:00am 11am .5

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

7. Legal name: River Roofing Bend LLC

8. DBA: _____ E-mail: _____

9. Phone: 541 383 3569 Cell/fax: _____

10. Site address: 60925 15th St. Bend OR 97702

11. Mailing address: 778 NE 11th St. Redmond OR 97756

12. Employed in establishment: 15 Covered by inspection: 5 Employed in Oregon: 44 13. Statewide average DART: 6.5

14. OSHA 300 Logs: year 2019 year 2018 year 2017

2019		2018		2017	
H	I	H	I	H	I
4	0	3	1	1	0

Hours worked each year: 67528 71686 70892

DART rate: 11.84 11.15 2.82

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

15. Type of operation: Roofing Contractor 16. SIC: 1761 17. NAICS: 238160

18. Management representatives:	Title	Opening	Insp.	Closing
<u>Iden Asato</u>	<u>Superintendent</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Craig Junker</u>	<u>owner</u>	<input checked="" type="checkbox"/>	<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"/>

19. Employee representatives:	Title	Opening	Insp.	Closing
_____	<u>TUV</u>	<input type="checkbox"/>	<input 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: N/A (# of tapes)

21. Workers' comp. insurance carrier: SAIF Number: A521538202

22. Union name/address: N/A

23. Does employer lease any employees? Yes No Leasing co. name: N/A

24. Citation copies: N/A

COMPLIANCE OFFICER: Jarrod Egan DATE: 8/4/20
Print name

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



Fatality/Catastrophe Report

Tue Dec 08, 2020 08:56 AM

Establishment Information:

Employer ID:	8544595-000	Fatality/Catastrophy No:	101702519
Establishment Name:	River Roofing Bend LLC		
Location Address:	697 SE Glenwood Dr Bend, OR 97702		
Site Phone:	(541)383-3569	Site Fax:	
Mailing Address:	697 SE Glenwood Dr Bend, OR 97702		
Event Address: (If Different)	60925 15th St Bend, OR 97702		

Industry & Ownership:

Type of Business:	ROOFING		
Primary NAICS:	238160 - Roofing Contractors		
Ownership:	Private Ownership	No. of Employees:	40

Receipt Information:

Reported By:	Jeshua Scheer		
Job Title:	Kirby Nagelhout Constrction		
Date and Time:	8/4/2020 8:01:01 AM	Phone:	

Event Information:

Event Classification:	Death		
Event Type:	A - Fatality		
Date and Time:	8/4/2020 6:59:00 AM		
Num. of Fatalities	Num. of Hospitalized	Num. of Non-Hospitalized	Number Unaccounted for
1	0	0	0

Preliminary Description:	A roofing contractor fell 40 feet to concrete when a rubber tire cart, loaded with 14 sheets of 5/8 cross vent plywood , pulled by the victim, lost control and pulled the victim off a 3:12 sloped roof. The victim was pronounced deceased at the commercial construction site due to injuries sustained from the fall.
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Inspection:

Insp Number	Supervisor Assigned		CSHO Assigned	
317727743	H9954	HALFMAN , BRIAN	B1514	BOHN , JARRODD
317727744	H9954	HALFMAN , BRIAN	B1514	BOHN , JARRODD

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



Accident/Fatality Intake Form

12/8/2020 8:56:53 AM

Intake Date: 8/4/2020 8:01:01 AM

Accident Site

Address/Location: 60925 15th St
City/State/Zip: Bend, OR, 97702

Report Number: 2020-356
FAT/CAT Number: 101702519
Investigation Number: 202617131

Injury/Treatment

Accident Date: 8/4/2020 6:59:00 AM Employer Knowledge: 8/4/2020 6:59:00 AM
Date of Death: 8/4/2020 7:05:00 AM

Description of Accident: A roofing contractor fell 40 feet to concrete when a rubber tire cart, loaded with 14 sheets of 5/8 cross vent plywood, pulled by the victim, lost control and pulled the victim off a 3:12 sloped roof. The victim was pronounced deceased at the commercial construction site due to injuries sustained from the fall.

Type of Injury: Death
Mechanism of Injury: Fall from heights
Hospital:
Address/City:
Contact:
Email:

Hospitalized:? Treated:?
Number of Employees: 1
Hospitalized: 0
Inj No Hosp: 0
Fatal Count: 1
Unaccounted for: 0

Employer Intake

Employer Name: Kirby Nagelhout Construction Co
Contact Name: Jeshua Scheer
Phone: 541-389-7119
Email: JeshuaS@kirbynagelhout.com
Nature of Business: Commerical General Contractor
Site Address: 60925 15th St
Site City/State/Zip: Bend, OR 97702
Mailing Address: 63049 Lower Meadow Dr
Mailing City/St/Zip: Bend, OR 97701

Establishment/Employer

Emp-Loc Number: 7973845 - 000
Establishment Name: Kirby Nagelhout Construction Co
Site Street: 20635 Brinson Blvd
Site City/State/Zip: Bend, OR 97701
Mailing Street: 63049 Lower Meadow Dr
Mailing City/State/Zip: Bend, OR 97701

Legal Entity: CORPORATION
Contact Numbers
TELEPHONE: 541-385-7119
FAX:

Employer Intake

Employer Name: River Roofing Bend LLC
Contact Name: Iden Asato
Phone: 541-480-2704
Email: Iden@roverroofingbend.com
Nature of Business: Roofing Contractor
Site Address: 60925 15th St
Site City/State/Zip: Bend , OR 97702
Mailing Address: 778 NE 11th St
Mailing City/St/Zip: Redmond , OR 97756

Establishment/Employer

Emp-Loc Number: 8544595 - 000
Establishment Name: River Roofing Bend LLC
Site Street: 697 SE Glenwood Dr
Site City/State/Zip: Bend, OR 97702
Mailing Street: 697 SE Glenwood Dr
Mailing City/State/Zip: Bend, OR 97702

Legal Entity: LLC
Contact Numbers
TELEPHONE: 541-383-3569
FAX:

Worker/Employer

Name: James Andrew Bickers
Address: 63700 Crooked Rock Dr
City/State/Zip: Bend , OR 97703
Gender: Male
Age: 38
Occupation: Roofing Technician
Notes: Mary and William Bickers (James' parents) 541-350-7019

Phone: 541-480-3752
E-Mail:

Others Notified

<input type="checkbox"/> State Police	<input type="checkbox"/> County Sheriff	<input checked="" type="checkbox"/> Local Police
<input type="checkbox"/> Fire Department	<input type="checkbox"/> Health Department	<input type="checkbox"/> Hazmat
<input checked="" type="checkbox"/> Other 0		
<input checked="" type="checkbox"/> Medical Examiner		

Witness Information

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division



Investigation Summary

Tue Dec 08, 2020 08:58 AM

Reporting ID	Investigation Summary Number	OSHA-36 Number	OSHA-36 Establishment Name
1054115	202617131	101702519	River Roofing Bend LLC
Event Date	08/04/2020	Event Time	06:59 AM

Inspection Number/ Establishment Name	317727743 River Roofing Bend LLC
Injured/Deceased	James Andrew Bickers
Sex	Male
Age	38
Injury	Fatality
Nature	Other
Part of Body	Abdomen
Source of Injury	Other
Event Type	Fall (from elevation)
Environmental Factor	Materials handling equipment or method
Human Factor	Equipment in use not appropriate for operation or process
Task	Not Regularly Assigned
Substance Code	
Occupational Code	Roofers

Abstract:

A roofing contractor fell 40 feet to concrete when a rubber tire cart, loaded with 14 sheets of 5/8 cross vent plywood, pulled by the victim, lost control and pulled the victim off a 3:12 sloped roof. The victim was pronounced deceased at the commercial construction site due to injuries sustained from the fall.

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division



Investigation Summary

Tue Dec 08, 2020 08:58 AM

Tue Dec 08, 2020 08:58 AM

Investigation No. 202617131

CONSTRUCTION ACCIDENT INFORMATION

Project Level Information

Type of Construction	
End-use Type of Construction Site	
If a building site, number of stories (in feet):	
If a non-building structure, height (in feet):	40

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division



Investigation Summary

Tue Dec 08, 2020 08:58 AM

Reporting ID	Investigation Summary Number	OSHA-36 Number	OSHA-36 Establishment Name
1054115	202617131	101702519	Kirby Nagelhout Construction Co
Event Date	08/04/2020	Event Time	06:59 AM

Inspection Number/ Establishment Name	317727744 Kirby Nagelhout Construction Co
Injured/Deceased	
Sex	
Age	
Injury	
Nature	
Part of Body	
Source of Injury	
Event Type	
Environmental Factor	
Human Factor	
Task	
Substance Code	
Occupational Code	

Abstract:

A roofing contractor fell 40 feet to concrete when a rubber tire cart, loaded with 14 sheets of 5/8 cross vent plywood, pulled by the victim, lost control and pulled the victim off a 3:12 sloped roof. The victim was pronounced deceased at the commercial construction site due to injuries sustained from the fall.

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division



Investigation Summary

Tue Dec 08, 2020 08:58 AM

Tue Dec 08, 2020 08:58 AM

Investigation No. 202617131

CONSTRUCTION ACCIDENT INFORMATION

Project Level Information

Type of Construction	
End-use Type of Construction Site	
If a building site, number of stories (in feet):	
If a non-building structure, height (in feet):	0



A Division of the Department of Consumer and Business Services

Notice of Alleged Safety or Health Hazards

Intake Date: Saturday, August 08, 2020 06:41 PM

Complaint No: 209440798

EDS/Employer Name:	RIVER ROOFING BEND LLC	Emp No:	8544595
Establishment Name:	River Roofing Bend LLC	Emp Loc:	000 ✓
Site Address: ✓	60925 15th St Bend, OR 97702	Site Phone:	541-383-3569
		Site FAX:	
Mailing Address:	697 SE Glenwood Dr 778 NE 11th St Bend, OR 97702 REDMOND OR 97756	Mail Phone:	
		Mail FAX:	
Site Manager:	Iden Asato		
Email:			
Primary NAICS:	238160 - Roofing Contractors		
Business Type:	Roofing Contractor	Ownership Type:	PRIVATE SECTOR

HAZARD DESCRIPTION:

Item No: 1

A cart that rolled with an employee trying to stop it on the roof of the new caldera HIGH school in BEND. That action took JAMES BICKERS over the side of the roof to his death. The safety railing was inadequate. On the 3/12 roof pitch a bundle on a cart of a few hundred pounds needs an automatic braking system in place. The cart with all the tools needs an automatic stopping device such as is found on a Self-Braking Shopping Cart. This should be done in addition to safety ropes and a harness. <https://chainstoreage.com/news/self-braking-shopping-cart>. It can only be moved when the user puts their hands on the handle. The brakes are activated when the user takes their hands off the handle.

Location:

CONSTRUCTION ON THE NEW CALDERA HIGH SCHOOL roof IN BEND OREGON. the new caldera HIGH school in BEND. On the roof.

Response:

Confidential information has been removed

OFFICIAL USE ONLY:			
Reporting ID:	1054115		
Received By:	BOHN, JARRODD	Date:	08/08/2020
		Time:	06:41 PM
Complaint Evaluation	Evaluated By:	BOHN, JARRODD	
	Is this a Valid Complaint?	Yes	
	Formality:	INFORMAL	
	Migrant Farmworker Camp?		
Complaint Action	Inspection Planned?	Yes	
	Inspection Priority:	Serious	
	Type	Date Letter Sent	Date Response Due
Send Letter			
Comments:			

Accident Synopsis

Employer Name: River Roofing Bend LLC

Optional Report Number: B1514-047-20 **OSHA-1 Inspection Number:** 317727743

Date and Time of Incident: 8/4/2020 at 6:58 a.m.

Date and Time Employer Aware of Incident: 8/4/2020 at 6:58 a.m.

Date and time of Death: 8/4/2020 at 7:05 a.m.

Date and time Employer Aware of Death: 8/4/2020 at 7:05 a.m.

Date and Time Reported to OR-OSHA: 8/4/2020 at 8:01 a.m.

Date of Opening Conference: 8/4/2020 at 9:00 a.m.

Address where Incident Occurred:

60925 15th St. Bend, Oregon 97702

Brief Description of Incident:

An employee fell approximately 45 feet to a concrete surface as a result of a guardrail being displaced due to a cart, carrying roofing material, rolling down a pitched roof and breaking through the guardrail.

What the Company Does:

River Roofing Bend LLC is a mid-size roofing contractor that employs a total of 44 employees in the state of Oregon. At the time of the inspection, River Roofing LLC was installing a roofing system on the new Caldera High School with an average crew size of 15 workers.

What the victim was doing at the time of the incident:

It was reported by multiple eye witnesses that the victim was attempting to prevent a cart, similar to a wagon, from rolling off the roof by holding onto the back of the cart as it rolled down a pitched roof. The cart broke through a guardrail system and the employee consequently followed the cart off the roof.

Description of the Incident:

The deceased, James Bickers, known as Jimmy, was hired by River Roofing Bend LLC on 7/20/20 as a roofer and sheet metal installer. Jimmy's fiancé, Brooke Tacka, and friend, Noah Bjostrom of River Roofing, reported that Jimmy's background consisted of firefighting (both ground crew and rappeller, logging and some construction in the form of remodeling.

On 8/4/20 at 6:58 A.M., Jimmy fell approximately 45 feet 2 inches to a concrete surface from the roof of the new Caldera High School construction project after a cart carrying roofing material broke through a guardrail system that was installed along the perimeter of the roof. Included in the fall was a 200 pound Little Giant Trailer (cart) and a full bundle of vented nail base insulation, also referred to as Atlas Cross Vent, weighing 906 pounds per bundle. At the time of

Employer Name: River Roofing Bend LLC

Optional Report Number: B1514-047-20 **OSHA-1 Inspection Number:** 317727743

the inspection, the trailer had fallen onto a two level scaffolding stair tower leading into the building, quadrant I (the location where the roofing activities were occurring). (Figure 1)

As reported by numerous eye witnesses, the Kirby Nagelhout (General Contractor) Accident/Incident Report, the River Roofing Incident Investigation and a SAIF Incident/Accident Analysis, the following was reported to have occurred on 8/4/20 at 6:58 A.M.

The 5 person River Roofing crew tasked with roofing quadrant I, the roof section where the incident occurred, originally consisted of Mike Gamm (foreman), Samuel Atteberry, Wyatt Anson, Ryan Kanahale and Kody Pagador. Wyatt, Ryan and Kody were pulled off the job that morning and moved to a project at the Redmond Airport. In their place, Tucker Pies, Nathan Pearson, and Jimmy Bickers were assigned to work with Mike Gamm and Samuel Atteberry to finish quadrant I. Jimmy was the only person on the crew that had not worked with the “cart crew” according to the SAIF Incident/Accident Analysis. Cart crew is a term used in the SAIF Incident/Accident Analysis referring to the 5 person crew that used the Little Giant trailer to transport roofing material in quadrant I. The SAIF Incident/Accident Analysis reported that Nathan Pearson had many weeks of experience, Tucker and Samuel had months of experience and Mike had years of experience with using the Little Giant trailer. It is unclear if Jimmy had used the trailer in the past or had been trained on the trailer. It was reported by multiple River roofing employees that training was provided by the crew leads such as Mike Gamm and Jesse Brown. The training consisted of a demonstration and explanation of the precautions to take while using the trailer. The precautions did not include a discussion of what steps to take in the event control of the trailer was lost nor was the manufacturers operator’s manual reviewed by both the trainers or the trainees.

The crew started work a little before 6:00 A.M. This was an hour earlier than the typical start time of 7:00 A.M. because that day was expected to be hot, according to Iden Asato, River Roofing Superintendent. According to timeanddate.com, the day of the accident had a high temperature of 91 degrees Fahrenheit at 12 P.M. and had a temperature of 52 degrees Fahrenheit at 6:00 A.M. with an average humidity of between 51% to 65% that morning. Craig Junker (the owner) and Iden reported that they believed the crew had been starting early for the past week or two due to the hot weather.

Nathan Pearson reported that typically the beginning of the day required loading the roof with material that was going to be used that day. The roof loading process was reported to occur as follows:

- 1) The south facing roof section, the crew was working on that day, had to be loaded from the north side of the roof because a forklift could not reach the south side roof.
- 2) The material loaded on the north side required employees to transport the material 109 feet up a 3:12 pitch, over the ridge (peak) of the roof (that had a transition of 8 inches) and down to the desired location on the south side of the roof that was also a 3:12 pitch (figures 1, 6 & 7).
- 3) The roofing material to be moved that day were bundles of 4 foot by 8 foot by 2 inch thick ridged insulation weighting 305 pounds a bundle and bundles of 4 foot by 8 foot by 3 5/8 inch thick Atlas Cross Vent nail base insulation that weighed 906 pounds a bundle.

Employer Name: River Roofing Bend LLC

Optional Report Number: B1514-047-20 **OSHA-1 Inspection Number:** 317727743

4) The nail base insulation is a 5/8 inch piece of plywood connected to a 1 inch spacer connected to a 2 inch piece of insulation.

5) The bundles are loaded onto the Little Giant trailer by a telehandler. The trailer is positioned on the north side of the roof near the eave and the telehandler booms the bundle over the guardrail system and lowers the bundle onto the trailer. The bundles rest perpendicular on the trailer with an excess (approximately 33 inches) over hanging each side of the trailer (figure 3).

The morning of the incident, the crew successfully transported one bundle of nail base insulation (906 pounds per bundle) to the south side of the roof and was attempting to move the last bundle of nail base insulation to the south side of the roof when the incident occurred. Samuel reported that they had moved between 6 to 7 bundles of both 2 inch ridged insulation (305 pounds a bundle) and nail base insulation to the south side roof the day before. Nathan was tasked to pull the Little Giant trailer (cart) load by the handle and steer the trailer on the second load while the remaining crew members were behind the load pushing the 1106 pound combined trailer and bundle load up the 109 foot north side 3:12 pitch roof.

When the crew reached the ridge (peak) of the roof, Nathan reported in the interview with the SCO that he did not have the strength to pull the loaded trailer over the roofing material (2 layers of 2 inch ridged insulation and a layer of the nail base insulation) located at the ridge. Figure 1 depicts the 8 inch transition located at the ridge of the roof. Tucker Pies reported that he moved from the back of the load to the front of the load to help Nathan lift the front wheels of the trailer up over the transition by pulling up on the handle of the trailer. All members of the crew reported that they began rocking the trailer back and forth to get over the 8 inch transition at the peak of the roof. Nathan stated in the River Roofing Incident Investigation: "in the process of rocking the cart, all five men ended up in near perfect timing in the same direction which seemed to launch the cart forward over the peak." At this point, the trailer began traveling straight down the south side of the roof. Nathan and Tucker were in the front of the trailer and Matt, Samuel and Jimmy were located in the rear of the trailer attempting to slow the decent of the trailer.

The distance, according to River Roofing, between the ridge and the eave on the south side of the roof was 45 feet. The initial 16 feet of the south side roof was bare plywood. The remainder of the roof was covered in a high temperature underlayment/ice and water shield. The surface of the underlayment felt like a type of fabric or felt, according to the inspecting compliance officer. Multiple members of the crew reported that the roof that morning had moisture/dew on it that made it mildly slippery.

Tucker and Nathan reported that they tried to turn the handle of the trailer in order to redirect the trailer but the front wheels kept self correcting and rolling forward. Mike, Samuel and Jimmy were pulling on the back of the trailer in an attempt to stop it. Mike reported that his feet were sliding on the roof. Mike and Samuel let go of the trailer, Nathan and Tucker rolled out of the way of the cart, as they were in front of the trailer trying to slow the 1106 pound trailer and load's decent by pushing, and Jimmy is reported to have held onto the back of the trailer a bit longer than the rest of the crew. Multiple eye witnesses reported that Jimmy's momentum ultimately led to him sliding off the roof after the trailer broke through the engineered guardrail system. The Garlock Little Giant Trailer did not possess a braking system on the trailer that

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could slow or stop the decent of a loaded trailer rolling down the slope of the roof. The manufacturer designed the trailer with a drop handle brake. The drop handle brake was intended to keep the trailer in a stationary position on a flat/level surface by pressing an attached piece of angle iron against the smooth surfaced wheels when the handle was in the down position (figure 3 & 4).

More than 50 feet of engineered guardrail was torn off the eave on the south side of the roof after the loaded trailer struck it. Each crew member was reported to be less than 10 feet from the leading edge of the roof's eave according to Samuel. Nathan and Tucker reported to be less than 1 foot from the leading edge. Nathan reported that he was resting against the toe board of the guardrail system, the same guardrail system that was struck and damaged from the trailer. Mike reported to be between 5 and 10 feet from the edge and Samuel reported he was within 10 feet of the edge.

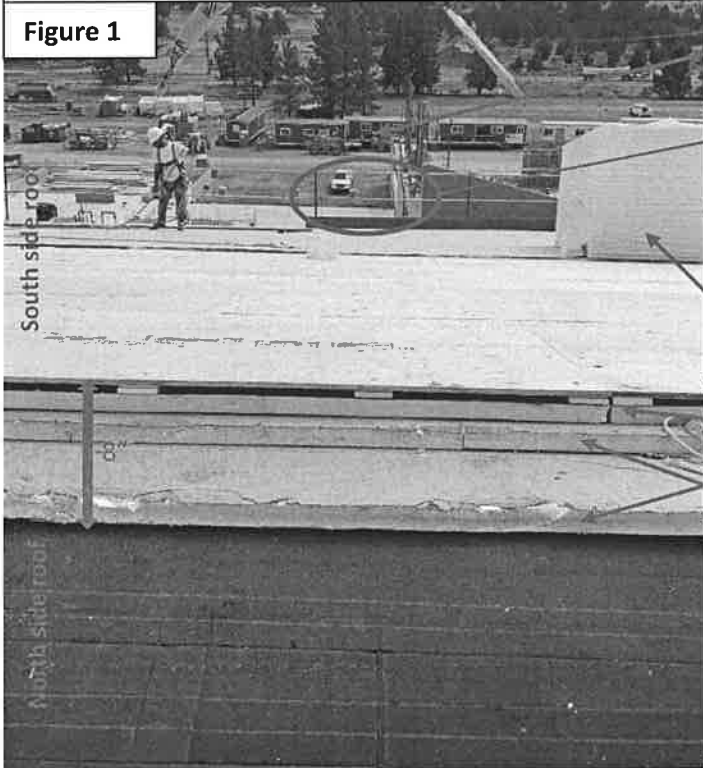
It was reported by multiple Kirby Nagelhout employees that multiple people from various contractors responded to the incident immediately. 911 was called immediately, CPR was performed by multiple employees and a AED was present. It was reported in the combined Kirby Nagelhout and River Roofing Incident report that paramedics relieved the employees and performed CPR for a short amount of time before pronouncing Jimmy's death at approximately 7:05 AM.

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The photos presented in the figures have been modified in size and by adding arrows and dialogue boxes by the safety complainc officer for the purpose to aid the reader.

Figure 1 photo (OTIS Image 5851) is taken looking south from near the ridge of the roof. One can observe the combined total transition height of approximately eight inches and the location where the trailer, material and an employee traveled off the roof.

Figure 1



Approximate location of group meeting the day of the incident

Approximate location the trailer rolled off the roof

An example of a full bundle on the roof transported by the trailer. The bundle depicted is a bundle of 2 inch ridged insulation

Atlas cross vent nail base insulation

Two inch ridge insulation

Figure 1 depicts the south side roof the day after the incident. The guardrail system was in the process of being repaired. Iden Asato reported that nothing else had changed at the scene of the incident

Figure2 (OTIS Image 5821) depicts the scene at the time of the incident. A 50 foot section of guardrail can be seen hanging from the eave of the south facing roof. The Little Giant trailer can be observed on the scaffolding stair tower. Two Bend Police Officers are observed standing at the bottom right of the photo.

Figure 2



Engineered guardrail system

Approximate location of the fall

Approximate location where Nathan and Tucker reported to have stopped short from falling off the roof.

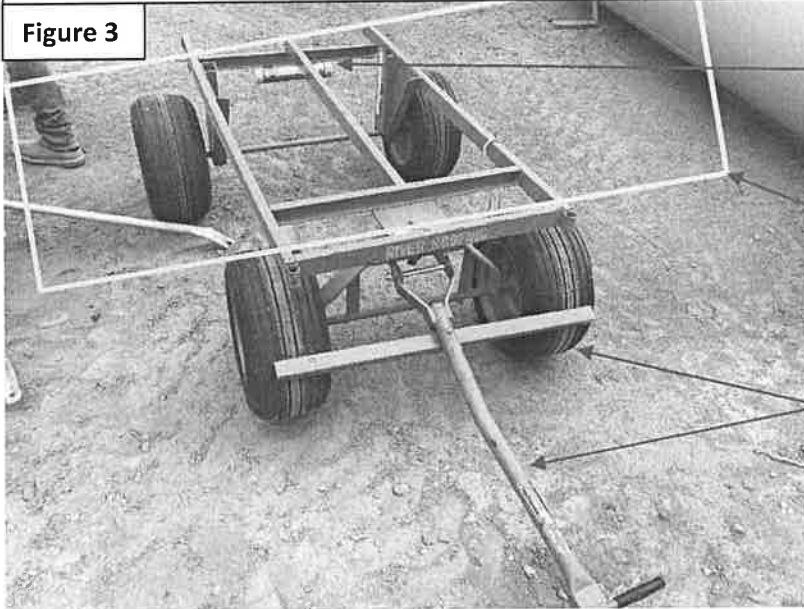
The approximate location of the victim of the fall

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Figure 3 (OTIS Image 5877) depicts the River Roofing owned, 200 pound Garlock Little Giant Trailer that rolled off the south side roof while transporting a bundle of Atlas Cross Vent nail base insulation weighting 907 pounds. The employer reported that little to no damage was detected to the trailer.

Figure 3



Storage container possessing the operator's manual

The position the 4' x 8' sheet material was positioned on the trailer, such as the Atlas Cross Vent nail base insulation, the 2" ridged insulation and HD board

The drop handle brake

The distance the handle needs to be from the ground before engaging the brake

Figure 4 (OTIS Image 5895) depicts the Garlock Little Giant trailer with the drop handle disengaged by holding on to the trailer's handle.

Figure 5 (OTIS Image 5897) depicts the location of a legible label on the Garlock Little Giant trailer that reports that this product is intended to be used on flat, level

Figure 4

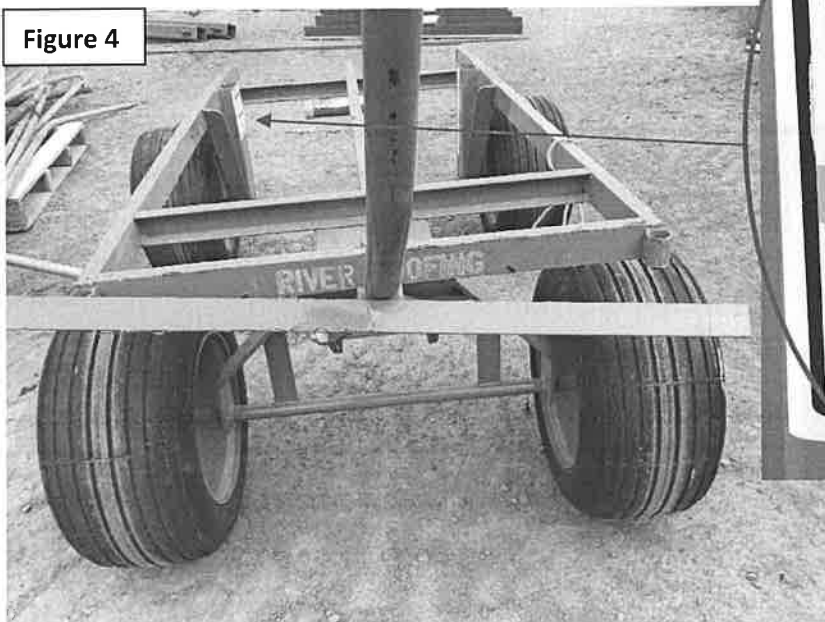


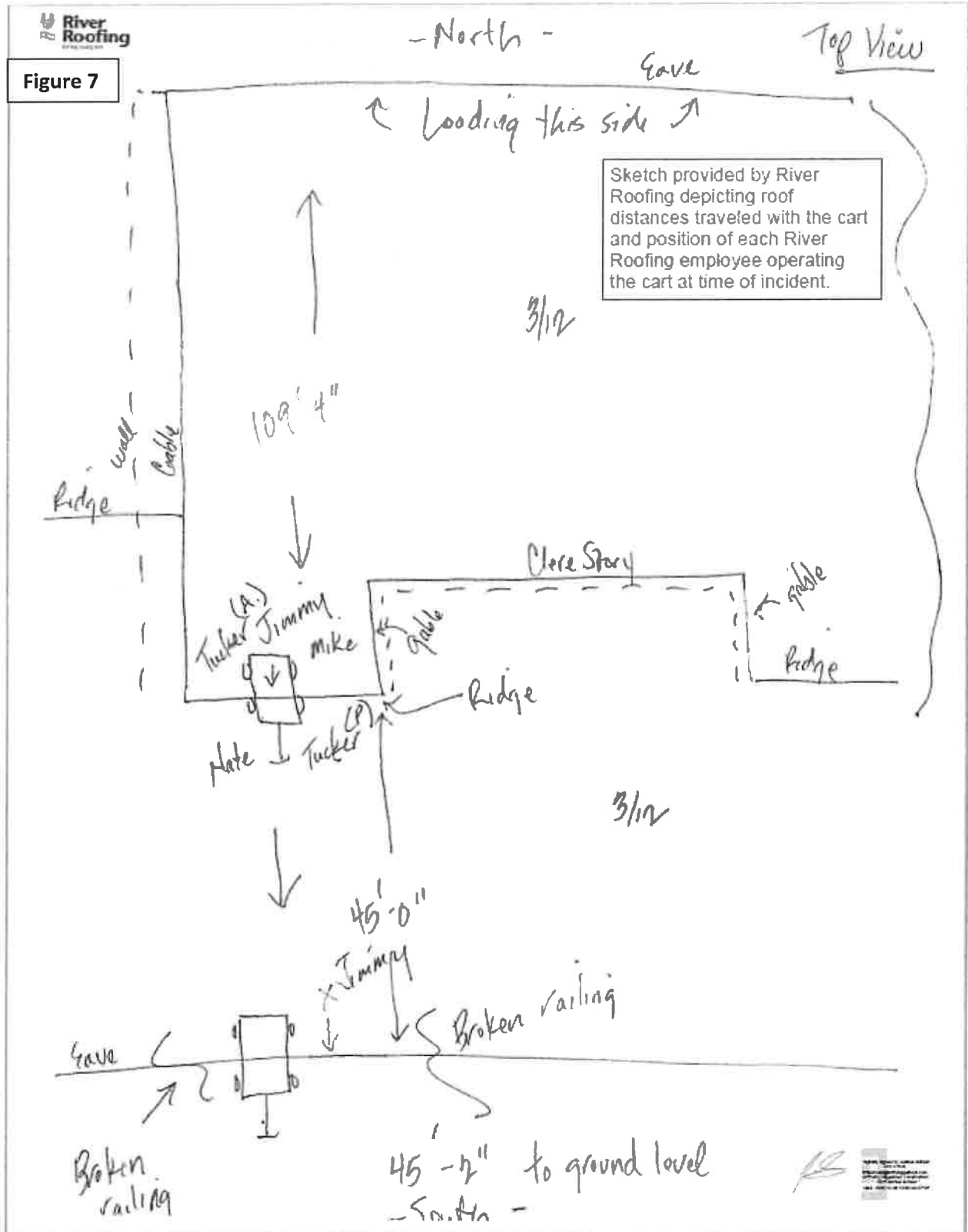
Figure 5



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This hand drawn sketch was provided in the combined Kirby Nagelhout and River Roofing Incident report



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Notes pertaining to the inspection but not related to the incident description:

The initial OR OSHA accident intake indicates the time of the incident occurred on 6:59 AM, the information provided to the SCO at the time of the intake. All documentation provided by the employer indicates the actual time of the incident occurred on 6:58 AM.

The SCO arrived on site at approximately 9:00 AM on 8/4/20. Very few employees were present on site. Two Kirby Nagelhout employees were stationed at the entrance of the site controlling access into the site. Kirby Nagelhout management reported that they sent everyone home shortly after the incident occurred. The site remained closed for a few days to clean up the site and give employees and contractors time to grieve.

Two Bend Police Officers (Bend PD) had delineated the scene and stated that Jimmy could not be released until OR OSHA had performed an inspection and spoke with the District Attorney. Bend PD reported that a case had been opened (2020-000100329) to determine if there was negligence on the part of the employer that led to Jimmy's death.

The SCO was on site the following days to conduct the inspection and perform employee interviews: 8/4, 8/5, 8/7, 8/12, 8/18, 10/21 and 10/27.

A confidential complaint (209440798) was filed on 8/8/20 concerning the process used on the roof of the new Caldera High School that led to a fatal incident. This accident investigation encompasses the complaint.

An OR OSHA complaint (209432156) and random construction comprehensive inspection (317727169) was performed at the site on 2/27/20. The complaint was regrading projecting rebar and not concerning items relating to the fatality investigation. An inspection was also conducted with River Roofing (317727175) as part of the random construction inspection. The inspection was deemed in compliance, after an inspection of the subcontractor's work area and a review of the employer injury and illness records. No work on the roof was being performed at the time of that inspection and therefore an inspection of the roof was not performed.

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Findings and Justifications:

- 1. The employer did not use all reasonable means and methods to ensure that employees were protected from struck by and caught between hazards as a result of using a Garlock Little Giant Trailer on a 3:12 pitched roof.**
 - a. The primary form of fall protection, employed by the employer, on the roof was an manufactured guardrail system.
 - b. The manufactured guardrail system installed around the perimeter of the roof was tested by River Roofing for outward and downward strength of a minimum of 200 pounds at each 10 foot section of guardrail. The guardrail consisted of an L-bracket that connected to the side of the building and manufactured scaffold guardrail components. Deficiencies were not discovered in the guardrail system.
 - c. Measurements:
 - i. Height of the roof in quadrant I on the south side: 45 feet 2 inches. The surface of the lower level was concrete. Directly below the area of the fall was a scaffolding stair tower that lead into the building of quadrant I.
 - ii. Roof pitch: 3:12. Surface of the roof was plywood and underlayment/ice and water shield. The surface of the underlayment was a felt like texture.
 - iii. Size of quadrant I roof: Iden reported that both the north and the south sides of the roof were 180 square. One square equals 100 square feet. Iden reported that the south side of the roof was 70 to 80 square.
 - iv. Weights: Trailer = approximately 200 pounds. Atlas cross vent nail base insulation bundle = approximately 906 pounds. Two inch ridged insulation bundle = approximately 305 pounds. Atlas HD cover board bundle = approximately 452 pounds. Roll roofing ranged from approximately 40 pounds per roll to 60 pounds per roll. Roughly 7 to 9 rolls would be transported by the trailer at a time, according to River Roofing. According to the operator's instruction manual of Little Giant Trailer, the load limit of the trailer is 2000 lbs.
 - v. Distance of travel: The north side roof eave to ridge (peak) measurement was reported, by River Roofing, to be 109 feet and the south side eave to ridge measurement was reported to be 45 feet.
 - vi. Start date of roofing work: 1/31/20. The start date of the roofing work on quadrant I was reported by River Roofing to be 7/22/20. Mike Gamm reported that they started on the north side of the roof.
 - d. The operator's instruction manual for the Garlock Little Giant Trailer states on page 5, For use on flat, level roofs only.
 - e. The operator's instruction manual for the Garlock Little Giant Trailer states on page 5, Make certain roof edge material handling area is flat, level and clear of debris and obstacles.
 - f. The operator's instruction manual for the Garlock Little Giant Trailer states on page 5, allow handle to drop and set brake when not in use. The drop handle appears to not be intended to stop a load that is traveling out of control as evidence by the smooth tire tread and the stop bar being made of angle iron.

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- g. A warning label present on the trailer stated: Warning: Serious injury may result if this product is misused. The manufacturer provides the following instructions for use and care of this equipment and relies upon the purchaser to see to it that these instructions are made clear to the person who will be using the equipment.
- h. Iden Asato and Craig Junker reported that hundreds of material loads were transported between the months of February to the time of the incident. The loads included both transporting roofing material parallel to the roof's edge and perpendicular to the roof's edge. In quadrant I on the south side of the roof, the area where the accident occurred, all loads were transported perpendicular to the roofs edge from the north side of the roof to the south side of the roof.
- i. Mike Gamm, the foreman, reported that they (a crew of 5) had been working on the south side of quadrant I roof for two days. The day before, they pulled between 7 and 8 loads over the ridge.
- j. Mike Gamm reported that they did not have any near misses with the trailer in the past, specifically, almost losing the trailer off the roof. Mike and other workers reported that it was the best way to move material around the roof. When employees were asked if they ever thought the trailer was a hazard and did they bring it up, they all reported that the use of the trailer was difficult and "sketchy" but they did not bring it up in a safety meeting or to a supervisor as they reported that they did not know of a better way to transport material.
- k. A crane was used on several instances to load the roof with roofing material. The trailer was then used to transport the material parallel to the roofs edge. A crane was not used to load roofing material on the south side of quadrant I because the crane on site was not large enough to reach the area and getting a larger crane was not considered as the trailer had proved to be useful in transporting roofing material. When Iden was asked if he had money in the budget to use a crane, Iden stated that there was a pot of money for incidentals and the money had, and could, be used for the use of a crane but it was not considered for this area.
- l. Iden and Craig were aware that the trailer was being used on the roof but they stated that they never considered the possibility of the trailer rolling off the roof. Craig reported that they had discussion of the trailer on the roof but employees reported that it was a very useful tool. The SAIF Incident/Accident Analysis stated: "Management, nor technicians, identified the potential magnitude of the hazard."
- m. Iden reported that he had used the same type of trailer for more than 20 years on both flat and pitched roofs.
- n. Throughout the duration of the project, a minimum of one, but a maximum of two, Little Giant Trailers were used on the roof. One of the trailers was purchased to use on the roof of the Caldera High School project.
- o. Iden and Craig reported that employees were trained in the use of the trailer before using it. Mike reported that he talked with Jimmy about the cart before using it but a discussion concerning what to do in the event control of the trailer was lost was not provided in the training of any of the employees. Craig reported that employee training was evident as multiple photos depicted the cart parked parallel to the roofs edge with the drop handle brake in the down position. The

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manufacturer's operator's manual was not used for the employee training and the employee training was not documented.

- p. Craig and Iden reported that they had not read the manual for the trailer.
- q. Corrective actions, discussed in the SAIF Incident/Accident Analysis, state: "Carts have been removed from pitched roof use indefinitely. Only carts with a dead stop mechanism would be considered and every circumstance of the particular project considered prior to any further cart use on a pitched roof."
- r. Attachment F, Consider:, in the SAIF Incident/Accident Analysis stated the following:
 - i. "Elimination/substitution: Cart use has been eliminated from all sloped roofing applications. A substitution may be considered (on other projects in the future) ONLY IF the possibility of losing control of the cart is completely eliminated."
 - ii. "Engineering controls: If any roof transport devices are considered on sloped roofing in the future, the possibility of loss of control must be eliminated."
 - iii. "Administrative controls: Refine hazard identification methods to bring potential risks to focus and define safety measures to eliminate, prevent or counter any exposed possibilities."
- s. The SAIF Incident/Accident Analysis stated, in regards to training, Crews were field trained on cart use. The cart necessitated coordination and communication. There were always several seasoned cart crew members with any new members on the cart. The training happened in place and in action with each load. The morning of 8-4-20, there were four experienced cart crew members and one new member (Jimmy Bickers). It also stated: Nate Pearson had many weeks of experience with the cart, Tucker Pies and Samuel Tucker Atteberry have months of experience with the cart and Mike Gamm has years of experience with the cart. Jimmy Bickers was the only new member to the cart crew. The cart crew was changed 8-3-20 to shift crews to a different job site. The crew on the cart 8-4-20 was capable and experienced in cart use and application.
- t. The Kirby Nagelhout Accident/Incident Report states on page 6 under the Correction Actions section:
 - i. "No wheeled carts allowed on pitched roofs."
 - ii. "Use of crane to strategically place roofing materials in desired locations."
 - iii. "Any materials that must be transported on the roof shall be hand packed."
 - 1. "Sheet goods may require 2 persons to carry depending on weather conditions."
 - iv. "If moisture is present on the roof, a competent person must determine if it is safe to work on the roof."
 - 1. "Allow moisture to evaporate before continuing any work on roofs."
 - v. "Ensure all employees are trained on the proper use of the roofing cart and have read and are familiar with the operator's manual."
- u. One River Roofing employee reported there were occasions where a bundle would fall off the trailer. Other times, one employee would hang on the up hill

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side of the bundle to counter balance the load to prevent it from falling off the cart on the down hill side.

- v. One River Roofing employee reported that there were a few occasions where he felt they almost lost control of the cart.
- w. Both employees reported that they brought their concerns up with the cart up to Mike and Jesse (roofing leads). Mike and Jesse were reported to not discount the employee's concerns but they told them that they can not reach some areas of the roof with a crane. All employees interviewed reported that the tasks was difficult but they did not know a better way to move material around the roof. Craig reported that prior to the incident, he had researched mechanized roofing trailers to the use on the Caldera High School roof but the research was not done due to the identification of a hazard but for productivity purposes.
- x. The following contributing factors may have increased the likelihood of this incident occurring and may have not been present the day before:
 - i. Work began at approximately 6:00 AM, an hour before the normal work shift. This was not completely abnormal as they had been starting early for that last week or two prior, according to Craig and Iden. The early morning, however, did lead to unexpected dew/moisture on the roof, as reported by more than one River Roofing employee.
 - ii. Three of the five crew members where transferred to a different task on another job site. Two experienced and one new employee replaced the transferred employees. The new employee was Jimmy.
 - iii. The ridge (peak) did not have an 8 inch transition the day prior. The day before, the transition was located below the ridge on the south side of the roof and acted as a type of speed bump to maintain control of the trailer when descending down the 3:12 pitched roof on the south side. Additionally, the crew did not need to rock the loaded trailer to get it over the ridge of the roof.
 - iv. Nate reported that he had used the trailer before but did not like being the one pulling it. Nate reported that he pulled the trailer square up to the peak (where both wheels were against the built up roofing material). Nate reported that in hind site, he should have pulled the trailer up to the peak at an angle instead. Other River Roofing employees reported similar reflections.

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List of Violations:

01-001 OAR 437-001-0760(1)(b)(C)

The employer did not take all reasonable means to require employees to use all means and methods, including but not limited to ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, that were necessary to safely accomplish all work where employees were exposed to a hazard:

From approximately February 2020 to the day of the incident on August 4, 2020, the employer did not ensure 5 employees were protected from serious injuries or death by taking all reasonable means and methods to control such serious hazards related to using the Little Giant Trailer on a 3:12 pitch roof. As evidence by, the operator's instruction manual for the Garlock Little Giant Trailer states on pg. 5: For use on flat, level roofs only. One employee was fatally injured as a result of failing to restrict the use of the Little Giant Trailer on the roof of the Caldera High school located at 60925 15th St. in Bend, Oregon.

Probability / Severity and Penalty Amount:

Probability: Medium

Severity: Death

Penalty Amount: \$3,600.00

Total Penalty amount: \$3,600.00

Hazard Letter: OAR 437-003-2501(1)(c):

Barricade the area to which objects could fall, prohibit employees from entering the barricaded area, and keep objects that may fall far enough away from the edge of a higher level so that those objects would not go over the edge if they were accidentally displaced.

List Names of Victim/s, Witnesses, and Interviewees:

Nathan Pearson	(River Roofing: cart crew/witness)
Mike Gamm	(River Roofing: cart crew foreman/witness)
Jesse Brown	(River Roofing: metal roofing foreman)
Noah Ejstrom	(River Roofing: metal roofing/friend of Jimmy)
Samuel Atteberry	(River Roofing: cart crew/witness)
Tucker Pies	(River Roofing: cart crew/witness)
Iden Asato	(River Roofing: superintendent)
Craig Junker	(River Roofing: owner)
Jeshua Scheer	(Kirby Nagelhout: safety director)
Alec Hansen	(Kirby Nagelhout: project superintendent)
Jesse Oatman	(Kirby Nagelhout: general superintendent)
Josh Grubb	(Kirby Nagelhout: steel erection superintendent)
EJ Parker	(Kirby Nagelhout: project superintendent)
Ned McFarlane	(Kirby Nagelhout: project engineer)