



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
PO Box 44600 • Olympia, Washington 98504-4600

December 26, 2014

PACIFIC TOPSOILS INC
805 80th St Sw
Everett, WA 98203

Inspection: 317385847
UBI: 600405438
Region: 2-Health
Inspector: Timothy Garlock (I5180)
Reference: 203275839

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$199,000.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Employer Certification of Abatement instruction and form** - Correct all violations and return written verification or additional penalties may result.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for three working days, whichever is longer. “Working day” means a calendar day, except Saturdays, Sundays and all legal state holidays.

Because this inspection is public information, the result will be posted online 30 days after the above date by the Department of Labor & Industries. You may view it at <https://secure.lni.wa.gov/verify/>.

If you have questions, call the compliance supervisor, Mac Davis, at (206) 515-2865.

Respectfully,

Anne F. Soiza

Anne F. Soiza
Assistant Director
Division of Occupational Safety & Health

Enclosure(s)



Invoice

Inspection: 317385847

UBI: 600405438
Legal Name: PACIFIC TOPSOILS INC
DBA Name: PACIFIC TOPSOILS INC
Inspection: 27509 NE 150th Pl,
Site: Duvall, WA, 98109

Issued: December 26, 2014
Opening Conference: July 8, 2014
Closing Conference: December 17, 2014
Inspector: Timothy Garlock
I5180

Summary of Assessed Penalties Due

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Willful	296-803-50005	Corrected	\$56,000.00
1-2a	Willful	296-803-60005	1/28/2015	\$52,000.00
1-2b	Willful	296-800-14020	1/28/2015	\$0.00
2-1	Serious	296-809-20002	1/28/2015	\$6,500.00
2-2	Serious	296-809-20004(1)	1/28/2015	\$6,500.00
2-3	Serious	296-809-20004(2)	Corrected	\$6,500.00
2-4	Serious	296-809-40002	1/28/2015	\$6,500.00
2-5	Serious	296-809-30002	2/27/2015	\$6,500.00
2-6	Serious	296-809-50002	Not Applicable	\$6,500.00
2-7	Serious	296-809-50004	Not Applicable	\$6,500.00
2-8	Serious	296-809-50010	Not Applicable	\$6,500.00
2-9	Serious	296-809-50018	Not Applicable	\$6,500.00
2-10	Serious	296-809-50020	Not Applicable	\$6,500.00
2-11	Serious	296-809-50022	Not Applicable	\$6,500.00
2-12	Serious	296-809-50014(1)	Not Applicable	\$6,500.00
2-13	Serious	296-800-14005	2/27/2015	\$6,500.00
2-14	Serious	296-803-20005	2/27/2015	\$6,500.00
<u>Total Penalty Due</u>				\$199,000.00

PAYMENT INFORMATION

Payment is due 15 working days from receipt of this citation.

Make check payable to the Department of Labor and Industries.

Write Inspection number 317385847 on the check and mail to:

**Attn: DOSH Cashier
Department of Labor and Industries
PO Box 44835
Olympia, WA 98504-4835
Or deliver to: Any L&I office**



Post This Document

Citation and Notice of Assessment Inspection: 317385847

UBI: 600405438

Issued: December 26, 2014

Legal Name: PACIFIC TOPSOILS INC

Opening Conference: July 8, 2014

DBA Name: PACIFIC TOPSOILS INC

Closing Conference: December 17, 2014

Inspection Site: 27509 NE 150th Pl Duvall, WA 98109

Inspector: Timothy Garlock
I5180

———— Severe Violator Enforcement Program Message ————

This employer has been identified as a Severe Violator Enforcement case under the Labor & Industries Division of Occupational Safety & Health's (DOSH), Severe Violator Enforcement Program (SVEP). Your company will be subject to follow-up inspections to determine if the conditions cited here still exist in the future. Follow-up inspections of this company will continue at a heightened level until the Department is satisfied that the conditions no longer exist.

This case has been sent to the Occupational Safety & Health Administration's (OSHA). For further information, please refer to DOSH Directive 2.68 and OSHA Instruction CPL 02-00-149.

Violation 1 Item 1

Violation Type: Willful

WAC 296-803-50005

The employer did not ensure that energy control procedures were used when employees worked in the hoppers of the bark blower delivery trucks. Lock out/tag out procedures were not implemented to control all energy sources for the blower system.

Employees worked in the hopper of a bark blower truck which contained a blower system consisting of 3 elements identified as a floor conveyor belt, 2 rotating screw conveyors (angled augers) which included a rotating stir rod, and a rotating feeder, which could potentially entangle employees, causing severe crushing injuries, severe permanent disabilities, or death.

A willful violation is one committed with intentional disregard of or plain indifference to WISHA requirements or employee safety and health, or through substitution of judgment for the Act's requirements.

This violation was corrected during the inspection.
Assessed penalty: \$56,000.00

Violation 1 Item 2a

Violation Type: Willful

WAC 296-803-60005

The employer did not ensure that employees were trained or instructed on the use of energy control (lockout/tagout) procedures while working on and around the bark blower trucks.

Employees, who were regularly assigned to clear jams in the bark blower truck hoppers, were exposed to a blower system consisting of 3 elements identified as a floor conveyor belt, 2 rotating screw conveyors (angled augers) which included a rotating stir rod, and a feeder system, which could potentially entangle employees, causing severe crushing injuries, severe permanent disabilities, or death.

A willful violation is one committed with intentional disregard of or plain indifference to WISHA requirements or employee safety and health, or through substitution of judgment for the Act's requirements.

The following additional correction documentation is required for this violation: Training records to document training on LOTO

Correct by: 1/28/2015
Assessed penalty: \$52,000.00

Violation 1 Item 2b

Violation Type: Willful

WAC 296-800-14020

The employer did not develop and enforce a safety and health training program that was effective in practice and included adequate instruction for employees about the hazards of working on and around bark blower trucks.

Employees, who were regularly assigned to clear jams in the bark blower truck hoppers, were exposed to a blower system consisting of 3 elements identified as a floor conveyor belt, 2 rotating screw conveyors (angled augers) which included a rotating stir rod, and a feeder system, which could potentially entangle employees, causing severe crushing injuries, severe permanent disabilities, or death.

The violations above have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an exposure or accident. A single penalty is applied to the first item in the group.

The following additional correction documentation is required for this violation: Training records for training on the accident prevention program (APP).

Correct by: 1/28/2015
Assessed penalty: Included in Violation 1 Item 2A

Violation 2 Item 1

Violation Type: Serious

WAC 296-809-20002

The employer did not identify permit-required confined spaces, in that the hoppers of the bark blower trucks were not identified as such. These trucks are dispatched from facilities operated by the employer on Smith Island, in Everett, WA, and in Maltby, WA. Uncontrolled entry into confined spaces can result in serious injuries and loss of life.

Correct by: 1/28/2015
Assessed penalty: \$6,500.00



Post This Document
Citation and Notice of Assessment
Inspection: 317385847

Violation 2 Item 2

Violation Type: Serious

WAC 296-809-20004(1)

The employer did not inform affected employees about the existence, location, and danger of permit-required confined spaces, in that employees were not informed that the hoppers of bark blower trucks were permit-required confined spaces. Uncontrolled entry into permit-required confined spaces, such as the hoppers of bark blower trucks, can result in serious injuries and loss of life.

Correct by: 1/28/2015
Assessed penalty: \$6,500.00

Violation 2 Item 3

Violation Type: Serious

WAC 296-809-20004(2)

The employer did not prevent unauthorized access to permit-required confined spaces in that employees were allowed to enter the hoppers of bark blower trucks and work in them while mechanical equipment was in operation. Uncontrolled entry into permit-required confined spaces, such as the hoppers of bark blower trucks, can result in serious injuries and loss of life.

This violation was corrected during the inspection.
Assessed penalty: \$6,500.00

Violation 2 Item 4

Violation Type: Serious

WAC 296-809-40002

The employer did not provide training to each employee involved in permit-required confined space activities, so that they acquire the understanding, knowledge and skills necessary to safely perform assigned duties. Entry into permit-required confined spaces without adequate training can result in serious injury or death.

The following additional correction documentation is required for this violation: Training records to document training on permit-required confined spaces

Correct by: 1/28/2015
Assessed penalty: \$6,500.00

Violation 2 Item 5

Violation Type: Serious

WAC 296-809-30002

The employer did not include procedures for entering the hoppers of the bark blower trucks in their written permit-required confined space entry program. Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

The following additional correction documentation is required for this violation: Please provide a copy of the revised written permit-required confined space entry program, which has been tailored to include confined spaces controlled by the employer, as appropriate.

Correct by: 2/27/2015
Assessed penalty: \$6,500.00

Violation 2 Item 6

Violation Type: Serious

WAC 296-809-50002

The employer did not implement procedures for entry permits in order to identify and evaluate potential hazards inside the hoppers of the bark blower trucks. Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00

Violation 2 Item 7

Violation Type: Serious

WAC 296-809-50004

The employer did not ensure that entry permits were used for permit-required confined space entries that involved the hoppers of bark blower trucks. A permit should have been used which included the following information:

The space to be entered

The purpose of the entry

The date and the authorized duration of the entry permit

The hazards of the space to be entered

The acceptable entry conditions

The appropriate measures used before entry to isolate the space, and eliminate or control hazards.

Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00

Violation 2 Item 8

Violation Type: Serious

WAC 296-809-50010

The employer did not ensure that proper equipment was provided, maintained, and used during permit-required confined space entries that involved the hoppers of bark blower trucks. Equipment that was not available included a number of items, such as:

Fall protection equipment for positioning within the hopper

A ladder for egress from the interior of the hopper

A remote control for shutting down mechanical equipment in the hopper

Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00

Violation 2 Item 9

Violation Type: Serious

WAC 296-809-50018

The employer did not ensure that entry supervisors were used to perform required duties as part of permit-required confined space entries that involved the hoppers of bark blower trucks. Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00

Violation 2 Item 10

Violation Type: Serious

WAC 296-809-50020

The employer did not ensure that an attendant was used to perform required duties as part of permit-required confined space entries that involved the hoppers of bark blower trucks. Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00

Violation 2 Item 11

Violation Type: Serious

WAC 296-809-50022

The employer did not ensure that entrants knew the hazardous conditions and their required duties inside permit-required confined spaces, in that employees entering the hoppers of bark blower trucks were not provided with this information. Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00



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Citation and Notice of Assessment Inspection: 317385847

Violation 2 Item 12

Violation Type: Serious

WAC 296-809-50014(1)

The employer did not ensure that adequate rescue and emergency services were available prior to allowing permit-required confined space entries into the hoppers of bark blower trucks. Uncontrolled entry into permit-required confined spaces can result in serious injuries and loss of life.

Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.

Assessed penalty: \$6,500.00

Violation 2 Item 13

Violation Type: Serious

WAC 296-800-14005

The employer's written Accident Prevention Program (APP) was not tailored to include hazards associated with working in the hoppers of bark blower trucks, in that a safe operating procedure had not been documented for addressing bridging and tunneling problems known to occur in the bark blower trucks.

The following additional correction documentation is required for this violation: Provide a copy of the written accident prevention program, which has been tailored to address the types of hazards involved with operations at your company

Correct by: 2/27/2015

Assessed penalty: \$6,500.00



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Citation and Notice of Assessment
Inspection: 317385847

Violation 2 Item 14
WAC 296-803-20005

Violation Type: Serious

The employer did not develop and document energy control procedures for the employees working in and around the bark blower trucks.

Employees worked in the hopper of a bark blower truck which contained a floor conveyor belt, 2 rotating screw conveyors (angled augers), a rotating stir rod, and a rotating feeder, which could potentially entangle employees, causing severe crushing injuries, severe permanent disabilities, or death.

The following additional correction documentation is required for this violation: A copy of the written energy control (lockout/tagout) program for your company.

Correct by: 2/27/2015
Assessed penalty: \$6,500.00

Employer Certification of Abatement Instructions Inspection: 317385847

What you must do now:

- Check the correction due date(s) shown on the enclosed Employer Certification of Abatement Form. You must fully correct the hazards by these dates.
- Describe on the form how you corrected each hazard, rather than what you *intend to do* in the future. Examples:

Right: *All staff have received the required training.*

Wrong: *All staff will receive the required training next week.*

Use attachments if you need more space. Submit additional documentation of hazard correction if requested in the citation packet.

- Fill in the date you corrected the hazard and sign.
- Post a copy of the completed form for at least three working days, or until you have corrected all violations, whichever is longer. It must be posted near the hazard location or in a place that is readily accessible by affected employees and their representatives.
- Send your completed form to the address provided.

Note: If we do not receive written confirmation you have corrected the hazards, we will take follow-up action, which may include additional penalties. If you provide us with false information, you may face criminal penalties.

If you are unable to fix the hazard(s) by the correction due date(s):

We must receive your written request for an extension **before** the correction due date(s) listed for the hazard(s). Correction due dates are shown on the enclosed Citation and Notice of Assessment and on your Employer Certification of Abatement Form(s).

Extensions are not automatically granted. To be considered for an extension, you must provide the following:

- Inspection number, employer name, telephone number, and site address.
- Violation and Item number for each requested extension.
- Correction due date on the citation and additional time needed.
- Steps taken to fix the hazard by the correction due date.
- Why you cannot correct the hazard by the correction due date.
- How you will protect your employees until you fix the hazard.

For more information, contact:
Or call: (206) 515-2865

Mac Davis, Compliance Supervisor
Department of Labor and Industries
315 5th S., Ste. 200
Seattle, WA 98104

You must post all documentation associated with your request for extension with your citation packet. All postings must remain until you have corrected all violations, or unless you have appealed and received and posted your hearing notice.



Employer Certification of Abatement Form

Inspection: 317385847

UBI: 600405438

Legal Name: PACIFIC TOPSOILS INC

Site Address: 27509 NE 150th Pl, Duvall, WA, 98109

Issued: December 26, 2014

DBA Name: PACIFIC TOPSOILS INC

You must complete this form and return it to: Timothy Garlock, Department of Labor & Industries
12806 Gateway Drive, Seattle, WA 98168
Or Fax to: (206) 835-1099

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
1-2a	Willful	296-803-60005	1/28/2015

Violation Summary: Conduct training on LOTO

How you corrected the hazard →

Date you corrected the hazard →

1-2b	Willful	296-800-14020	1/28/2015
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Violation Summary: Provide training related to the APP

How you corrected the hazard →

Date you corrected the hazard →

2-1	Serious	296-809-20002	1/28/2015
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Violation Summary: Identify permit-required confined spaces (PRCSs)

How you corrected the hazard →

Date you corrected the hazard →

2-2	Serious	296-809-20004(1)	1/28/2015
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Violation Summary: Inform employees of PRCSs

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature

Date



Employer Certification of Abatement Form Inspection: 317385847

UBI: 600405438

Legal Name: PACIFIC TOPSOILS INC

Site Address: 27509 NE 150th Pl, Duvall, WA, 98109

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12806 Gateway Drive, Seattle, WA 98168
Or Fax to: (206) 835-1099

How you corrected the hazard →

Date you corrected the hazard →

2-4

Serious

296-809-40002

1/28/2015

Violation Summary: Provide training on PRCSS

How you corrected the hazard →

Date you corrected the hazard →

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature

Date



Employer Certification of Abatement Form

Inspection: 317385847

UBI: 600405438

Legal Name: PACIFIC TOPSOILS INC

Site Address: 27509 NE 150th Pl, Duvall, WA, 98109

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DBA Name: PACIFIC TOPSOILS INC

You must complete this form and return it to: Timothy Garlock, Department of Labor & Industries
12806 Gateway Drive, Seattle, WA 98168
Or Fax to: (206) 835-1099

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
2-5	Serious	296-809-30002	2/27/2015

Violation Summary: Develop written PRCS program

How you corrected the hazard →

Date you corrected the hazard →

2-13	Serious	296-800-14005	2/27/2015
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Violation Summary: Develop written APP

How you corrected the hazard →

Date you corrected the hazard →

2-14	Serious	296-803-20005	2/27/2015
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Violation Summary: Develop written energy control procedures

How you corrected the hazard →

Date you corrected the hazard →

I certify that the hazards described in this Employer Certification of Abatement Form have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature

Date

For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, or personally delivered.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, **"If you are unable to fix the hazard(s) by the correction due date(s)"**.

Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
 1. What you think is wrong with the citation and any related facts.
 2. How you think the citation should be changed.
 3. What relief you are seeking and why.

If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved.
You must also post all other documents related to this appeal.

For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

Send all appeals to:

Assistant Director for DOSH
Attn: Appeals Program
PO Box 44604
Olympia, WA 98504-4604
Fax to: **(360) 902-5581** or deliver to: **Any L&I office**

For more information call the Appeals Program: **(360) 902-5486**.

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