

Utah

Utah Labor Commission

Occupational Safety and Health Division

160 East 300 South

P O box 146650

Salt Lake City, UT 84114-6650

Phone: (801)530-6901 FAX: (801)530-7606

Citation and Notification of Penalty

To:
Marmc Transportation

and its successors
PO Box 656
Mills, WY 82644

Inspection Site:
Chapita Wells Unit 86622 Approx 42 miles south of
Vernal, UT 84078

Inspection Number: 309170280
Inspection Date(s): 06/27/2006 - 08/15/2006

Issuance Date: 08/21/2006

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 within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1973. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 30 calendar days from your receipt of this Citation and Notification of Penalty you mail a notice of contest in accordance with the following section, "Right to Contest". Please refer to the enclosed booklet which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

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 herein has (have) been abated, or for 3 working days (excluding weekends and holidays), whichever is longer. **The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.**

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Compliance Manager during the 30 calendar day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Adjudication Division within 30 days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the page 4 Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. To formally contest the citation employers must file a written notice of contest with the Adjudicative Division within 30 days of receipt of the Citation of Proposed Penalties as follows: the notice may be mailed to The Adjudicative Division, Utah Labor Commission, P.O. Box 146615, Salt Lake City, UT 84114-6615 or delivered to the Adjudicative Division located in the Heber Wells Building, 160 East 300 South, 3rd Floor, Salt Lake City, Utah. The written notice of contest must comply with Utah Code Ann. 63-46b-3(3)(a). The Labor Commission will then provide an adjudicative hearing. **Unless you inform the Adjudication Division in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 30 calendar days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Utah Labor Commission and may not be reviewed by any court or agency.**

Penalty Payment - Penalties are due within 30 working days of receipt of this notification unless contested. Make your check or money order payable to "Utah Labor Commission". Please indicate the Inspection Number on the remittance.

UOSH 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 these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the Compliance Manager at the address identified above. The certification must be sent by you within 30 calendar days of receipt of citation. For **Willful, Repeat and Serious** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Other Than Serious** and the citations states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

For each citation where you do contest the violation or the abatement date, your obligation to submit abatement certification and any documents is delayed until the contest has expired. See 29 CFR 1903.19 for more information.

All abatement verification documents must contain the following information: 1) Your name and address; 2) the inspection number (found on the front page); 3) the citation and citation item number(s) to which the submission relates; 4) a statement that the information is accurate; 5) the signature of the employer or employer's authorized

representative; 6) the date the hazard was corrected; 7) a brief statement of how the hazard was corrected; and 8) a statement that affected employees and their representatives have been informed of the abatement.

The law also requires a copy of all abatement verification documents, required by 29 CFR 1903.19 to be sent to UOSH, also be posted at the location where the violation appeared and the corrective action took place.

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 no later than 30 days after the discrimination occurred with the Utah Occupational Safety and Health Division of the Labor Commission and to the U.S. Department of Labor Region 8 Area Office.

Employer Rights and Responsibilities - The enclosed booklet outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

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 to be unreasonable. The contest must be mailed to the UOSH Division at the address shown above and postmarked within 30 working days (excluding weekends and holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data - you should be aware that OSHA publishes information on UOSH's inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available 7 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at www.OSHA.GOV. If you have any dispute with the accuracy of the information displayed, please contact this office.

Utah Labor Commission
Occupational Safety and Health Division

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with UOSH to discuss the citation(s) issued on 08/21/2006. The conference will be held at the UOSH office located at 160 East 300 South, P O box 146650, Salt Lake City, UT, 84114-6650 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

Utah Labor Commission
Division of Occupational Safety and Health

Inspection Number: 309170280
Inspection Dates: 06/27/2006-08/15/2006
Issuance Date: 08/21/2006

Citation and Notification of Penalty

Company Name: Marmc Transportation
Inspection Site: Chapita Wells Unit 86622 Approx 42 miles south of,

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

29 CFR 1910.178(l)(1)(i): The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (l).

(A) MarMc Transportation at Chapita Wells 886-22, a remote location outside of Vernal, Utah on June 26, 2006. The employer allowed employees to operate forklifts with out being trained in accordance with this section. An employee that was not trained in the safe operation of a fork lift fatally injured another employee while operating a fork lift.

Note: 1910.178(l)(6): Certification. The employer shall certify that each operator has been trained and evaluated as required by this paragraph (l). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2006
\$ 2100.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Utah Labor Commission
Division of Occupational Safety and Health

Inspection Number: 309170280
Inspection Dates: 06/27/2006-08/15/2006
Issuance Date: 08/21/2006

Citation and Notification of Penalty

Company Name: Marmc Transportation
Inspection Site: Chapita Wells Unit 86622 Approx 42 miles south of,

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

29 CFR 1910.178(m)(5)(i): When a powered industrial truck is left unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels shall be blocked if the truck is parked on an incline.

(A) MarMc Transportation at Chapita Wells 886-22, a remote location outside of Vernal, Utah on June 26, 2006. The employer allowed employees to leave a forklift unattended with out shutting off the power. Later, an employee boarded the running fork lift which had been left unattended and fatally injured another employee, who was unobserved under the forklift, when he drove away.

Note:

1910.178(m)(5)(ii) A powered industrial truck is unattended when the operator is 25 ft. or more away from the vehicle which remains in his view, or whenever the operator leaves the vehicle and it is not in his view.

1910.178(m)(5)(iii) When the operator of an industrial truck is dismounted and within 25 ft. of the truck still in his view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.

Date By Which Violation Must be Abated:
Proposed Penalty:

08/25/2006
\$ 2100.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Utah Labor Commission

Division of Occupational Safety and Health

Inspection Number: 309170280

Inspection Dates: 06/27/2006 - 08/15/2006

Issuance Date: 08/21/2006

Citation and Notification of Penalty

Company Name: Marmc Transportation

Inspection Site: Chapita Wells Unit 86622 Approx 42 miles south of,

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

29 CFR 1910.151(b): In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.

(A) MarMc Transportation at Chapita Wells 886-22, a remote location outside of Vernal, Utah on June 26, 2006. The employer failed to train their employee(s) working in a remote location to render first aid.

Date By Which Violation Must be Abated:
Proposed Penalty:

09/25/2006
\$ 300.00



Tori Burns
Compliance Manager

Utah Labor Commission
Occupational Safety and Health Division
160 East 300 South
P O box 146650
Salt Lake City, UT 84114-6650
Phone: (801)530-6901 FAX: (801)530-7606

INVOICE/ DEBT COLLECTION NOTICE

Company Name: Marmc Transportation
Inspection Site: Chapita Wells Unit 86622 Approx 42 miles south of, Vernal, UT 84078
Issuance Date: 08/21/2006

Summary of Penalties for Inspection Number 309170280

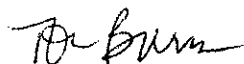
Citation 1, Serious	= \$	4200.00
Citation 2, Other	= \$	300.00
TOTAL PROPOSED PENALTIES	= \$	4500.00

To avoid additional charges, please remit payment promptly to this Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to:

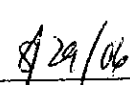
"Utah Labor Commission". Please indicate UOSH's Inspection Number (indicated above) on the remittance.

UOSH does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

In accordance with Utah State policy, penalties not collected will be turned over to the Utah Attorney General's Office for collection. The Attorney General's office may assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.



Tori Burns
Compliance Manager



Date

ABATEMENT CERTIFICATION

Ms. Tori L. Burns, Compliance Manager
Utah Labor Commission - Occupational Safety and Health Division

Marmc Transportation
PO Box 656
Mills, Wyoming 82604

Physical Address:
3010 North Six Mile Road
Casper, Wyoming 82604

The hazard referenced in Inspection Number 309170280 for the violation identified as Citation 01 and Item 001 was corrected on _____ by _____.

The hazard referenced in Inspection Number 309170280 for the violation identified as Citation 01 and Item 002 was corrected on _____ by _____.

The hazard referenced in Inspection Number 309170280 for the violation identified as Citation 02 and Item 001 was corrected on _____ by _____.

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

Signature

Typed or Printed Name

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Company Name: MarMc Transportation
Inspection Site: Chapita Wells Unit 86622 Approx 42 Miles south of Vernal, Utah
Issuance Date: 08/21/06

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return this page with the signed Informal Settlement Agreement (if included) to: **Utah Labor Commission - Occupational Safety and Health Division, 160 East 300 South, P.O. Box 146650, SLC, UT 84114-6650.**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

NAME OF COMPANY OFFICIAL

DATE _____

TITLE

IMPORTANT NOTICE

(READ THIS CAREFULLY)

The proposed penalties assessed for this inspection's citation(s) reflect reductions that have been granted for the size, good faith, history, and Quick Fix of the employer.

ORIGINAL PENALTY	\$15,000.00
PROPOSED PENALTY	\$4,500.00

INFORMAL SETTLEMENT OFFER

A penalty reduction will be granted if all citation items are abated and the **INFORMAL SETTLEMENT AGREEMENT** is signed and returned by the employer to **UOSH** within 30 calendar days of the receipt of the citation. Penalties must be submitted no longer than 14 days after the Informal Settlement Agreement is executed. A detailed abatement plan **must** be submitted with the **INFORMAL SETTLEMENT AGREEMENT** for those items which have not been abated and will require a longer abatement period.

REDUCED PENALTY AMOUNT FOR INFORMAL SETTLEMENT	\$1,800.00
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Corrective Action, taken by you for each alleged violation should be submitted to this office on or about the abatement date(s) indicated on the Citation and Notification of Penalty and included with the submitted **INFORMAL SETTLEMENT AGREEMENT**. A work sheet has been provided to assist in submitting the required abatement information.

This is the only offer for penalty reductions that will be made.

An Informal Conference may be held to discuss questions concerning citation/violation issues or dates and methods of abatement prior to the final contest date of the citation. Please contact the Occupational Safety and Health Division at (801) 530-6437 for an appointment.

**UTAH LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH DIVISION**

INFORMAL SETTLEMENT AGREEMENT

In the Matter of: MarMc Transportation
UOSH No(s): 309170280

The undersigned representatives of the Employer and the Utah Occupational Safety and Health Division (UOSH), in settlement of the above citation(s) and penalties which were issued on, May 13, 2006 hereby agree as follows:

- i. The Employer agrees to correct the violations as cited in the attached citations.
- i. The Employer agrees to pay the reduced penalties, amended by this agreement, in the amount of

\$1,800.00

The employer agrees to implement a comprehensive safety and health program as follows: **(Note: A copy of the safety and health program must be submitted with this document.)**

I) Management leadership and employee participation;

- a. Outline responsibilities of managers, supervisors, and employees for safety and health in the workplace and hold them accountable for carrying out those responsibilities;
- b. Provide managers, supervisors, and employees with the authority, access to relevant information, training, and resources they need to carry out their safety and health responsibilities; and
- c. Identify at least one manager, supervisor, or employee to receive and respond to reports about workplace safety and health conditions and, where appropriate, to initiate corrective action.
- d. Establish a way for employees to report job-related fatalities, injuries, illnesses, incidents, and hazards promptly and to make recommendations about appropriate ways to control those hazards; and
- e. Provide prompt responses to such reports and recommendations.

(II) Hazard identification and assessment;

- a. Conduct inspections of the workplace;
- b. Review safety and health information;
- c. Evaluate new equipment, materials, and processes for hazards before they are introduced into the workplace.

(III) Hazard prevention and control;

a. Develop a plan for complying with the UOSH standards, which includes setting priorities and deadlines and tracking progress in controlling hazards.

(IV) Information and training;

- a. Provide each employee with information and training in the safety and health program;
- b. Provide each employee exposed to a hazard with information and training in that hazard, the nature of the hazards to which the employee is exposed and how to recognize them, and what is being done to control these hazards;
- c. What protective measures the employee must follow to prevent or minimize exposure to these hazards; and
- d. The provisions of applicable standards.

(V) Evaluation of program effectiveness.

- a. Evaluate the safety and health program at least annually to ensure that it is effective and appropriate to workplace conditions.

- iii. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in this agreement.
- iv. The employer agrees to immediately post a copy of this Informal Settlement Agreement in a prominent place at or near the location of the violation(s) referred to in the attached citation. This Informal Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and State Holidays), whichever is longer.
- v. The employer agrees to continue to comply with the applicable provisions of the Utah Occupational Safety and Health Act of 1973, and the applicable safety and health standards promulgated pursuant to the Act.
- vi. The Employer agrees to develop/review its safety and health program and modify it as appropriate on an ongoing basis.
- vii. By entering into this agreement, the employer does not admit that it violated the cited standards for any litigation or purpose other than subsequent proceeding under the Utah Occupational Safety and Health Act.

For Utah Occupational Safety And Health
Tori L. Burns, Compliance Manager
(Signature and date)

For The Employer
(Signature and date)

NOTE: ONE COPY OF THE SIGNED AND COMPLETED AGREEMENT WILL BE RETURNED TO THE EMPLOYER AFTER THE CASE IS SETTLED.



Inspection Report

Tue Aug 15, Tuesday 3:02pm

Rpt ID	Assignment Nr.	CSHO ID	Supervisor ID	Inspection Nr.	Opt. Insp. Nr.
0854910	307001420	G4873	H0424	309170280	

Establishment Name		Marmc Transportation			
Site Address	Chapita Wells Unit 86622 Approx 42 miles south of Vernal, UT 84078	Site Phone	(307) 234-7422	Site FAX	
Mailing Address	PO Box 656 Mills, WY 82644	Mail Phone	(307) 234-7422	Mail FAX	
Controlling Corp		Employer ID	830292137		
Ownership	A. Private Sector	City	2010	County	047
Legal Entity	A. Corporation	Previous Activity (State Only)			

Related Activity					
Type	Number	Satisfied	Type	Number	Satisfied
A. Accident	101563765				

Employed in Establishment	6	Advance Notice?	No	Category	S. Safety
Covered By Inspection	6	Union?	No	Primary SIC	1389
Controlled By Employer	6	Walkaround?	Yes	Secondary SIC	
		Interviewed? (State only)	Yes	Inspected (State Only)	

OSHA-200 Log Entries	Not Available	Year		LWDI Rate	
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Inspection Type	A. Fatality/Catastrophe	Reason No Inspection	
Scope of Inspection	B. Partial Inspection		
Classification	Safety Planning Guide/Manufacturing		

Anticipatory Warrant Served?	No	Denial Date	Date ReEntered	Date ReDenied	ReEntered
Anticipatory Subpoena Served?	No				

Entry	06/27/06	First Closing Conference	08/15/06
Opening Conference	06/27/06	Second Closing Conference	
Walkaround	06/27/06	Exit	
Days On Site	2	Case Closed	
		No Citations Issued	

Type	ID	Optional Information
S	01	ACCIDENT
N	01	309170280

CSHO Signature		Date	8/16/06
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OSHA-300 Data/Safety and Health Program Evaluation

15, Tuesday 2:40pm

Establishment	Marmc Transportation	Ownership	A. Private Sector
Controlling		Employer ID	830292137

SUMMARY OSHA-300 DATA				Log Year	2005	Data Not Available		Data Not Required		Partial Log Year	No	# Of Weeks	0
TRC RATE	5.9			DART RATE	1.5		Annual Average Number of Employees		60		Total Hours Worked by All Employees		134668
Number of Cases				Number of Days * Columns may not appear in same order as on paper form.		Injury and Illness Types * Columns may not appear in same order as on paper form.							
(G) Deaths	(H) Days Away	(I) Job Xfer or Restrict	(J) Other Recordable	(*) Nbr Days Away from Work	(*) Nbr Days Job Xfer or Restrict	(M1) Injuries	(M2) Skin Disorders	(M3) Respiratory Conditions	(M4) Poisonings	(*) Hearing Losses	(*) All Other Illnesses		
0	1	0	3	1	33	4	0	0	0	0	0		

SUMMARY OSHA-300 DATA				Log Year	2004	Data Not Available		Data Not Required		Partial Log Year	No	# Of Weeks	0
TRC RATE	13.9			DART RATE	0.0		Annual Average Number of Employees		45		Total Hours Worked by All Employees		101001
Number of Cases				Number of Days * Columns may not appear in same order as on paper form.		Injury and Illness Types * Columns may not appear in same order as on paper form.							
(G) Deaths	(H) Days Away	(I) Job Xfer or Restrict	(J) Other Recordable	(*) Nbr Days Away from Work	(*) Nbr Days Job Xfer or Restrict	(M1) Injuries	(M2) Skin Disorders	(M3) Respiratory Conditions	(M4) Poisonings	(*) Hearing Losses	(*) All Other Illnesses		
0	0	0	7	0	90	7	0	0	0	0	0		

SUMMARY OSHA-300 DATA				Log Year	2003	Data Not Available		Data Not Required		Partial Log Year	No	# Of Weeks	0
TRC RATE	31.2			DART RATE	2.2		Annual Average Number of Employees		40		Total Hours Worked by All Employees		89760
Number of Cases				Number of Days * Columns may not appear in same order as on paper form.		Injury and Illness Types * Columns may not appear in same order as on paper form.							
(G) Deaths	(H) Days Away	(I) Job Xfer or Restrict	(J) Other Recordable	(*) Nbr Days Away from Work	(*) Nbr Days Job Xfer or Restrict	(M1) Injuries	(M2) Skin Disorders	(M3) Respiratory Conditions	(M4) Poisonings	(*) Hearing Losses	(*) All Other Illnesses		
0	1	0	13	17	0	14	0	0	0	0	0		

**Marmc Transportation
Inspection # 309170280**

Marmc Transportation
PO Box 656
Mills, Wyoming 82604

Physical Address:
3010 North Six Mile Road
Casper, Wyoming 82604

This inspection came from a phone call received on June 26, 2006 by UOSH from Marmc Transportation Secretary/Treasure concerning an accident that had just happened at a remote drilling site south of Vernal, Utah.

The injured was employed by:
Marmc Transportation
A Non Union Company
Oil Field Transportation - Heavy Hauling

Multi-Employer Work Site:

Drilling Contractor:
SST Energy Corp.
8901 W Yellowstone Highway
Casper, Wyoming 82604
Inspection #309170306

Oil Company:
EOG Resources Inc.
333 Clay Street Ste 4200
Houston, Texas 77002

SST Energy Corp. operates 13 drilling rigs; the accident happened on Rig # 2 location that was in the process of rigging up on Chapita Wells Unit 886-22. The coordinates of the site received from Uinta County Sheriff Department are:
40 degree 01627 N 109 degree 25.174 W

NARRATIVE

1. Opening Conference Checklist (X - if evaluated or N/A if not applicable to employer. Also note narrative for further elaboration of programs, etc.)

A. Accident/Illness/Injury Data

Posting Requirements :X
Comments: Reviewed and gave website for revised version

Reporting Requirements	:X	
Comments: Reviewed		
Reporting Procedures	:X	
Comments: Reviewed		
Review Form 200/300	:X	
Comments: Supplied and reviewed		
First Aid Equipment	:X	
Comments: In trucks		
Emergency Phone Numbers	:X	
Comments: 911		
Medical/ First Aid Training, CPR	:X	
Comments:		no- <u>Certified EMT was on-site</u>
Cumulative Trauma Injuries	:na	
Comments:		
Infectious Disease Control	:na	
Comments:		

B. Plans/Operations

Fire/Evacuation Plans	: X	
Findings: Remote drilling location		
Disaster- Emergency Plans	:X	
Findings: Remote drilling location		
Chemical- Haz Mat Response	:na	
Findings: Not evaluated –Accident investigation		
Hazard Communication	:na	
Findings: Not evaluated –Accident investigation		
Written Hazard Assessment & PPE (.132)	:X	
Findings: PPE given to employees		
Respiratory Protection	:X	
Findings: no respirator use		
Noise	:X	
Findings:		
Compliance Plans for Regulated Substances (.1000)		:na
Findings:		

Safety and Health Program(s)

*Written Safety Policies	: x	
Findings: Not evaluated –Accident investigation		
*Substance Abuse Program	:X	
Findings: All of MarMc Transportation employees at the location were instructed to submit urine samples and reportedly complied.		
*Progressive Discipline	:X	
Findings: Not evaluated –Accident investigation		
Employee Safety & Health Training	:X	
Findings: Not evaluated –Accident investigation		
Equipment- Process Records		
A. Cranes	:na	
Findings: No cranes		
B. Presses	:na	

Findings: No presses
 Engineering Controls
 Forklifts :x
 Findings: Training documents provided
 Ventilation :na
 Findings:
 Confined Entry :na
 Findings:
 Lockout/Tagout Procedure :x
 Findings: Not evaluated –Accident investigation
 Flammables & Combust :x
 Findings: Not evaluated –Accident investigation
 Explosives :na
 Findings:
 Welding Operations :x
 Findings: Not evaluated –Accident investigation.
 Workers Compensation Ins. :x
 Findings: State of Wyoming

2. Closing Conference Checklist

Alleged Violations- Classify	:x
Penalties- Citations	:x
Abatement Dates & Procedures	:x
Abatement Procedures	:x
Certified Mail	:x
Posting Citations	:x
Letters of How and When Abated	:x
Informal Conference	:x
Appeal Procedure	:x
Extensions	:x
Follow Up Inspections	:x
Correct Names, Dates, Addresses	:x
Further Commun. w/ Administrator	:x
If Follow Up Items Abated,	
No Further Communications	:x
Training Office	:x
Consultation Office	:x

PURPOSE OF THE INSPECTION:

This was an accident inspection assigned by Utah's compliance supervisor with the purpose to identify and help correct any safety and health deficiencies.

Business Type: Transportation
 Business Scope: Heavy Hauling

Strategic Plan

Small Business
 Oil & Gas

Pre-Opening Activities:

Uinta Deputy Sheriff Officer John Laursen had contacted UOSH, said that he was holding the scene. All employees were still at the site and were waiting for UOSH. After the inspector was assigned the investigation a call was placed to the Deputy Sheriff Officer. The inspector was informed of the location, the particulars and pictures had been taken. The Officer stated that he had questioned every one at the site, obtained contact information and that none had seen the accident.

The inspector informed the officer that he would leave early the next morning and the officer responded that he agreed with that plan, if not, the inspector would arrived in time to find out just how dark it could get. The inspector asked if he could get the officer report and pictures, he was informed that they would be available in the morning.

The inspector arrived at the Uinta County Sheriff office at 8 am and was greeted by the deputy's supervisor Detective Corporal Vance Norton. The inspector was informed that Officer John Laursen was schedule for surgery and was not available. Mr. Norton had also responded to the scene of the accident, he showed the inspector the pictures taken and gave a brief verbal description of each of them. Mr. Norton gave a copy of Officer Laursen report and a CD containing the pictures to the inspector.

Mr. Norton asked if the inspector would like to be escorted to the site. The inspector replied that if Mr. Norton had other duties to perform, it would not be necessary. Mr. Norton gave the inspector specific driving instruction, a hand drawn map, and cell phone number and told the inspector to call if he needed anything.

The inspector arrived at the remote site, was met by MarMc Transportation Manager/Superintendent Dan Bornbier and Safety Manager Bert Eldredge and Attorney Eric. G. Maxfield of Holme Roberts & Owen; representing EOG Resources. The inspector informed them that he had stopped by the Sheriffs office and obtained their report and pictures. Both parties requested to copy the report, the inspector said that he would have to obtain permission and offered to call Mr. Norton. Upon asking Mr. Norton, he said that they could copy the report. Mr. Norton asked to have an additional copy made for the inspector and requested the inspector returned the original copy because he was not able to access Officer Laursen computerized report.

While copies were being made, Safety Manager Bert Eldredge briefed the inspector of the accident, the particulars and the lay out of the site. The inspector asked about forklift training and certification and was informed that neither the Truck Pusher whom was operating the forklift at the time of the accident nor the fork lift operator was certified. The inspector informed them that was a violation of the OSHA Standards.

Copies of the report were returned and distributed. The inspector explained the inspection process and told the EOG Resources Attorney that in order to preserve the rights of Marmc Transportation he would have to obtain permission from his supervisor to allow him to participate in the opening conference pertaining to MarMc Transportation. The attorney quizzed the inspector of what type of questions would be asked. The inspector informed him of the standard questions, the Grama process and offered to call his supervisor. Mr. Maxfield replied that perhaps he did not need to be involved with the opening but wanted to be informed when it was over.

OPENING: [06-27-06]

All relevant items on the opening conference checklist were covered with representatives of Marmc Transportation, Manager/Superintendent Dan Bornbier and Safety Manager Bert Eldredge. It was expressed that Mr. Eldredge had just started with MarMc Transportation on June 1, 2006. He had been working for SST Energy Corp, as

their Safety Manager and was still working part time there, finalizing his replacements' training. Before Mr. Eldredge began working for MarMc Transportation, he informed them of a planned ten day vacation and they agreed to honor the time he had allocated. He had just returned from the vacation on the day of the accident.

The inspector informed them that he had briefly researched MarMc Transportation inspection history and discovered they had just recently been inspected in Wyoming and believed that they had been cited for fork lift training. Mr. Eldredge replied that was correct but he had not seen the citation yet (issued June 13 with an abatement date of July 16, 2006). Forklift training has been implemented in Casper, taught by Manager/Superintendent Dan Bornbier but had not been taught in Rock Springs yet where this crew is primarily based. The deceased employee had not received forklift training. (Called Mr. Eldredge on 7/05/06 and he clarified that David Vickers was out of the Casper office, had not been trained in forklift operation, his employment date was 5/24/06 and to keep in mind that he had received time off due to the birth of his child. Perhaps he had received one full pay check.)

Mr. Eldredge stated that MarMc Transportation had been in business for 5 years, experienced explosive growth during the past couple of years, due to increased oil field activity and other yard operations. Their employment went from under 10 to 60 employees within the last two years. The other state previous inspection was focused on the yard in Casper, Wyoming. It is from this yard that they operate the trucking operations, build truck beds and operate a paint booth

Mr. Eldredge stated that he had developed or was in the process of developing Haz Com, Blood Borne Pathogen, Respirator and Hearing Protection, Safety & Health, Basic First Aid and others. The inspector informed him that UOSH had some excellent sample programs and Mr. Eldredge stated that he was receiving help from Wyoming OSHA.

WALKAROUND: [06-27-06] Accident June 26, 2006

MarMc Transportation was hired through SST Energy Corporation to move Rig #2 from one location to another. On June 26, 2006, MarMc Transportation's crew of a truck pusher, forklift operator, three (3) truck drivers and a swamper, (assigned to help truckers with their loads) began their day and were on the pay roll (reportedly at 7am) when they left their motel to travel to work.

SST Energy Corporation and MarMc Transportation crews had just finished the process called pinning the derrick shortly after 1pm and took a late lunch. The fork lift operator parked the fork lift, lowered the forks (dropped the head), engaged the parking brakes, move the steering wheel up and exited the vehicle to eat lunch. The truck pusher and forklift operator invited the fatally injured swamper to join them in their air condition crew vehicle (Excursion) that was parked a short distance behind the fork lift near the road entering the location, he declined saying he was too dirty and he would eat in the shade.

Most of the personnel on the location were eating lunch at this time and were sitting in various shady areas towards the back end (west) of the location. There were a few parties such as some of the rig crewing working on the BOP's inside the sub structure and contract welders were working on the location. All personnel were questioned by the responding Uinta County Sheriff Officers and none of them witnessed what was about to happen.

Shortly before or after the truck pusher and the fork lift operator began eating their lunch in view of the fork lift, a delivery truck (called "hot shot truck") arrived pulling a

trailer and hauling a mud motor to be delivered to that location. The driver approached the truck pusher to unload the trailer using the MarMc Transportation's fork lift because he had been told by the company man that SST's fork lift was not there but at the other location. The truck pusher said they could after they finished their lunch.

As the truck pusher and fork lift operator were finishing their lunch, they were also trying to obtain accommodations in Vernal Utah for that night. The place they had stayed the previous night was booked up, so the fork lift operator was calling other motels. The truck pusher mentioned that his stomach started to bother him so he drove across the location to use the restroom. After he had finished using the restroom, he drove back across location and parked a bit behind the fork lift. The fork lift operator was still on the cell phone talking with a motel, so the truck pusher decided to unload the hot shot trailer. He exited the vehicle and approached the fork lift in a 45 degree angle from the corner of the rear driver side. He climbed up into the fork lift, raised the forks, released the brakes and drove forward to unload the truck.

As he was aligning the fork lift with the hot shot trailer to unload the mud motor, one of the truck drivers called him on the communication radio and asked him if he had run over the swamper. At first, the truck pusher thought it was a joke, of course he did not run over the swamper but as that radio call was made, the forklift operator who had finished with the phone call to the motel, saw the injured lying on the ground where the fork lift had been parked. She exited the crew vehicle and started running towards the injured. This action and her screaming engaged the personnel on the location to respond. (During the interview she stated that she called the truck pusher on the radio to say she could unload the truck because she had found accommodations but the truck pusher responded it was cool enough in the fork lift and he would do it)

The fork lift operator was the first to reach the injured swamper, his right fore arm was lying across his chest giving her the first impression that he had been sleeping. She could tell that he had been run over and was crushed. She immediately started to attend to the injured, shortly there after started CPR. The responding driller performed rescue breathing while she did the chest compressions. They continued CPR until they were relieved 40-45 minutes later by the responding paramedics. Shortly before the paramedics arrived, the responding Sheriff Officer John Laursen (a trained EMT) attached his defibrillator and shock the injured, manually checked his pulse with none being detected, CPR was continued with the assistance of a bag valve attached to oxygen and EPI was administered. The paramedics arrived, took over the rescue, tried the defibrillator again, administered EPI again and after consulting with an emergency room doctor, ceased their rescue attempts after the patient had been receiving CPR for about an hour.

Before the inspector left location, MarMc Transportation had trained their employees on fork lifts. Safety Manager Bert Eldredge offered the inspector copies. The inspector asked for and received the truck pusher's exam.

Employee Interviews

Truck Pusher:

Michael K Wilkenson 281 Lester Drive Rock Springs, WY 82901 307-350-7427

Fork Lift Operator:

Laura Purchella 281 Lester Drive Rock Springs, WY 82901 307-371-3526

Interviewed MarMc employees were shook up by the accident and resulting fatality. They both stated that he was a likeable person who was making an effort to learn, a hard worker and was making a hand.

Neither of these employees or the other responding personnel had current First Aid or CPR training as required while working in remote location. It should be stated that the all stated that they had been formerly trained in the past in both First Aid and CPR. All responding personnel interviewed with were able to explain their actions and the reasons for them. SST Rig Manager had been formerly trained.

07-07-06:

The inspector returned to SST Rig #2 location to conduct a rig inspection. Shortly after arriving on location, the inspector was in SST Rig Manager's office explaining that he was back to do a rig inspection and interview members of the crew. Mr. Jesse. W Tatman, consultant contracted to EOG Resources to oversee operations came into the trailer.

Consultant Mr. Tatman and Rig Manager Jeff Butler told the inspector what they had been doing just prior to the accident. Mr. Tatman stated that he had been talking with SST Rig Manager Jeff Butler (who remembers talking but not sure of time line) and the operator of a ditching machine regarding the ditch around the sub-structure. They had completed their conversation and Mr. Tatman was returning to his office. Just as he reached the office, he was alerted to the accident by the fork lift operator's actions. She was screaming loudly, he was not able to understand what she was saying but knew there had been an accident.

Mr. Tatman stated that he went into the office, grabbed his cell phone, GPS coordinates and approached the accident scene while calling 911. There were multiple calls to 911 regarding this accident from others on the location that had cell phones. After relaying GPS coordinates, the 911 operator had to get off the line to answer the other calls. Once Mr. Tatman realized the extent of the injuries, he called 911 again to confirm that life flight had been activated.

Mr. Tatman explained to the inspector that he directed MarMc Transportation to move the crew vehicle (Excursion) parked within 25' to move straight back to allow room for the responding personnel. These actions came from a previous experience of life flight and paramedics responding to a rig location. He wanted to have enough room for them to land or park as close to the injured as possible. That is why MarMc crew vehicle is parked where it is in the photos taken by the responding deputy sheriffs.

As the oil company's consultant, Mr. Tatman is in charge of the activities on the location during the drilling operation. Mr. Tatman stated he does not operate any equipment or the drilling rig even though he is well qualified to do so, he will not because of liability issues.

Communication Record:

06-28-06: Bert Eldredge called, said that he had called the deceased father, clarified what he needed to send to UOSH and mentioned that there was not a service agreement between MarMc and SST. The transportation of the drilling equipment had always been a handshake deal.

06-28-06: Faxed request for medical examiners report.

06-28-06: Cheylynn Hayman of Parr-Waddoups representing David Vickers Sr. called wondering about the time line. The inspector informed her of the process, of Grama procedures and a possible time of completion being with in 45 days. Ms. Hayman said the parents of the deceased have very little information; the inspector informed her that the Sheriff office had supplied him with an excellent report, which was copied and distributed to the involved companies. The inspector also informed her of a newspaper article that was given to him by another inspector entitled "Oil rig crew member killed by by (sic) forklift".

06-29-06: Faxed request letter the Office of State Medical Examiner requesting their report.

07-05-06: Called Bert Eldredge at 307-277-8369, was not able to read the 300A logs, request he e-mail them, he did and received them. Clarified that David Vickers was out of the Casper office, had not been trained in forklift operation, his employment date was 5/24/06 and to keep in mind that he had received time off due to the birth of his child. Perhaps he had received one full pay check.

07-06-06: Called Deputy Sheriff John Laursen at 435-621-6092 to see if he would be available to meet me at the location in the morning. He stated that he had a doctor's appointment but would be available after 10am. Told him I would contact him when I reached Vernal.

07-07-06: Called Deputy Sheriff John Laursen upon arriving in Vernal, left voice message stating I would be at the location. Several phone attempts were made between the officer and the inspector but reception was not good and we were not able to converse. After leaving the site of the accident, met with Deputy Sheriff John Laursen who was supposed to but was unable to meet me on the location. He pointed out that one of the people on the location interviewed after the accident claimed the injured had been warned about resting under the forklift. He mentioned that the office had been receiving a lot of calls, with one stating that it was not an accident but a homicide and he responded that that is not the way he saw it. He had stopped answering questions and referred them to request a copy of the investigation under the Gramma Act. He attempted to get the hot shot phone number and found it was unlisted but located his mother's number. When the deputy was shone the report, the inspector was informed that that was a draft form. He would send the completed one and signed witness statements.

07-10-06: Called Deputy Sheriff John Laursen, left voice message in regards to sending report and witness statements. Received the report on 7/17

07-10-06: Called Steve Luck (hot shot truck driver) mother and left message asking for a return call.

07-10-06: Steve Luck returned phone call. He explained that he was on location for 30-40 minutes before the accident. He originally parked on the side of the location's entry road, walked to the company man's office to report that he had a load for them. The company man (Mr. Jesse. W Tatman) informed him the only fork lift on location belongs to MarMc. Mr. Luck then walked back to the side of the entry road where both the fork lift and Excursion were parked, they were several people standing around it and he asked if

they could unload him. The truck pusher agreed to unload him but it would be a while. Steve mentioned that usually happens; the hot shot driver usually has to wait until the time there are people and equipment available. Mr. Luck returned to his truck, pulled into the location and parked close to the company man's trailer. Mr. Luck told Mr. Tatem that MarMc would unload him, got his ticket signed and prepared his truck for unloading. While waiting for the fork lift, Mr. Luck observe the Excursion drive across location to the west end of the location where other MarMc trucks were parked. The Excursion windows were tinted and he did not notice who was driving or how many people were inside of it. The Excursion stay there for 10-15 minutes, returned and park close to the original spot which was close to the fork lift and behind it a little, kind of diagonal. When he saw the fork lift approach, he undid his last chain holding the load to be prepared. As the fork lift arrived, he saw the operator (the truck pusher) talking on the communication radio that he has pin to his shoulder, then notice the operator look back towards the where the fork lift had been parked. He was then alerted by the assigned fork lift operator screaming that the swamper had been run over. He did mention that he thought the female did an excellent job responding and helping the injured. The inspector told Mr. Luck that he would like to record his comments at a later date, asked if it would be alright to call and Mr. Luck agreed.

07-25-06: David Vickers Sr. called and left a message on the inspector's voice mail requesting a return phone call to 412-848-4022. The investigator approached the compliance manager seeking guidance and the compliance manager offered to return the phone call. The compliance manager called David Vickers Sr. and was told that his son girlfriend Jennifer Byrd's brother (Brian Byrd) had threaten to kill David Vickers Jr. and that he was friends with the truck pusher who was operating the forklift. The compliance manager told the inspector to refer the information and the names to the Uinta County Sheriff department.

07-25-06: Called Deputy Sheriff John Laursen at 435-621-6092, referred the above information to him. He had heard it and stated the evidence does not support that information. Acknowledge the receipt of the information.

07-25-06: Called Chris Hopkins (SST Employee) @ 801-725-8222, he had told the responding sheriff officers that he seen then injured laying in the shade under the forklift. Recording the conversation, Mr. Hopkins expressed to the investigator that he had observed the swamper Mr. David Vickers Jr. catching shade from the fork lift on numerous occasions. These occasions were either the same day and the day before or the previous rig move. He explained that during a lull in the operations Mr. Vickers would either sit on the ladder of the fork lift, lean against the fork lift tire, resting with his weight off center and sometimes do this while standing between the tires of the fork lift. He had heard that Mr. Vickers had been warned about the dangers of those actions.

At the time of the accident, he was working on the BOPs in the sub structure with a driller. They both responded after being informed by another employee. By the time they arrived to the scene, the other responding people had placed an umbrella (welders had been using it) over him but had not started CPR because he was still breathing. He did a pinch check on a finger nail, could tell the injured was in shock, unzipped his injured coveralls to help improve circulation, and raised his feet. Once Mr. Vickers stopped breathing, he assisted the people performing CPR by helping them turned the injured to clean out airways. Mr. Hopkins assumed that Mr. Vickers had eaten lunch there because his lunch was spread out around him. Also, while CPR was being performed, they had to turn the Mr. Vickers numerous times in order to clean out his mouth and air ways from his lunch being regurgitated.

He also stated that the rig move activity was a slower this time due to SST taking the opportunity to work on pumps, motors and electrical systems. They had mechanics, electricians and welders on location performing those tasks.

07-26-06: Called Mr. Steve Luck (Hot shot truck driver) @ 435-828-7456 and recorded his comments pertaining to the accident.

07-26-06: Called Office of State Medical Examiner, she asked the inspector to send another request for their report. Faxed request the same request letter, again. Called after faxing the request to confirm they received it, yes they did, it would be submitted to the doctor for approval and sent out.

07-26-06: Called Bert Eldredge at 307-277-8369, left message stating that when printing the electronic 300A logs, printed multiple pages of quadrants. Requested that he send copies by mail and said another phone attempt would be made tomorrow.

07-27-06: Called Bert Eldredge at 307-277-8369, he had received my message and will be sending hard copies by mail.

08-08-06: Called Office of State Medical Examiner at 801-584-8410, Melissa stated that there still is no request from UOSH in the file. Told her the dates of previous faxes, she said to fax a request again.

08-08-06: Called Office of State Medical Examiner at 801-584-8410, Melissa received it and the doctor has signed off, it should be mailed within 24 hours if not today.

08-14-06: Office of State Medical Examiner report was in the inspector's mail slot when he arrived.

08-15-06: Called Bert Eldredge at 307-277-8369 to verify information on supplied 300A logs and held closing conference with him.

08-15-06: Called 307-266-4802, a phone number supplied by MarMc Transportation in regards to their workers compensation. The inspector was going to obtain a policy number but the line was no longer in service. The inspector was informed by Bert Eldredge, MarMc Transportation Safety Manager during the opening conference that the policy number for Wyoming workers compensation is listed by the company's name.

CLOSING: [08-15-06]

The closing conference was held with Bert Eldredge over the phone at 307-277-8369. Mr. Bert Eldredge was notified that Serious and other than serious citations would be issued. Abatement methods and deadlines were discussed.

VIDEO LOG:

The video for this inspection is filed under:

MarMc Transportation

309170280

INFORMATION GIVEN TO EMPLOYER:

Mailed on 8/15/06
Consultation Leaflet
Post inspection rights

ATTACHMENTS:

Employer Injury Statistics
300 A Logs
Uinta County Sheriff report
Copy received on 6/27/06 w/cd of pictures
Copy received on 7/17/06 with witness statements and cd of pictures, some additional photos
Confidential employee interviews-8mm audio
Confidential witness interviews-micro cassette
Next of Kin fatality letter
State Medical Examiner report
Forklift training of truck pusher done on 06-27-06, day after fatality.

ALLEGED VIOLATIONS**Serious**

29 CFR 1910.178(l)(1)(i): Forklift training
29 CFR 1910.178(m)(5)(i): Forklift unattended

Other than Serious

29 CFR 1910.151(b): First Aid Training

CSHO Signature:	Date:
Accompanied By:	Date:
Reviewed by:	Date:

INFORMATION GIVEN TO EMPLOYER:

Mailed on 8/15/06

Consultation Leaflet

Post inspection rights

ATTACHMENTS:

Employer Injury Statistics

300 A Logs

Uinta County Sheriff report

Copy received on 6/27/06 w/cd of pictures

Copy received on 7/17/06 with witness statements and cd of pictures, some additional photos

Confidential employee interviews-8mm audio

Confidential witness interviews-micro cassette

Next of Kin fatality letter

State Medical Examiner report

Forklift training of truck pusher done on 06-27-06, day after fatality.

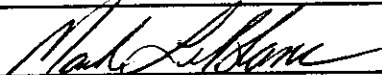
ALLEGED VIOLATIONS**Serious**

29 CFR 1910.178(l)(1)(i): Forklift training

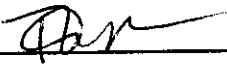
29 CFR 1910.178(m)(5)(i): Forklift unattended

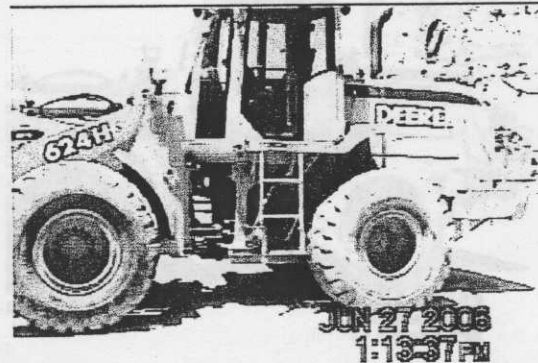
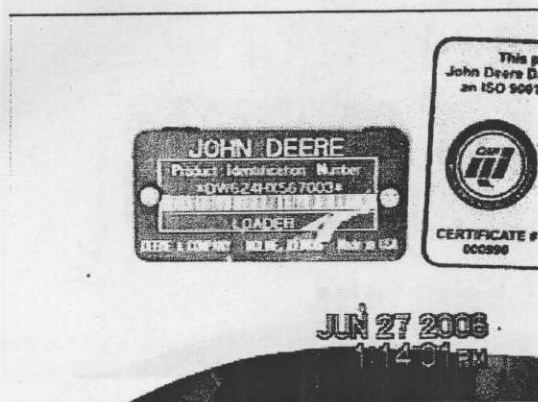
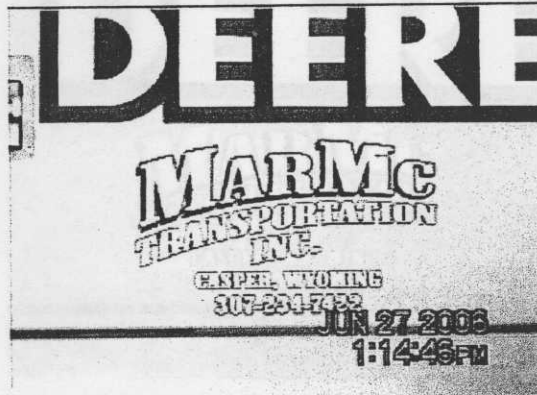
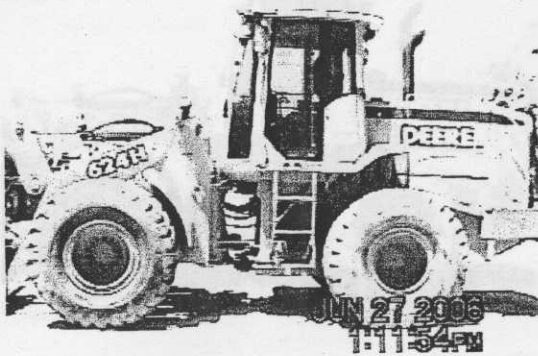
Other than Serious

29 CFR 1910.151(b): First Aid Training

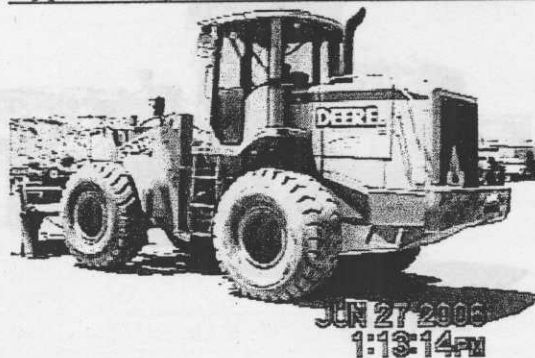
CSHO Signature: 	Date: 8/16/06
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Accompanied By:	Date:
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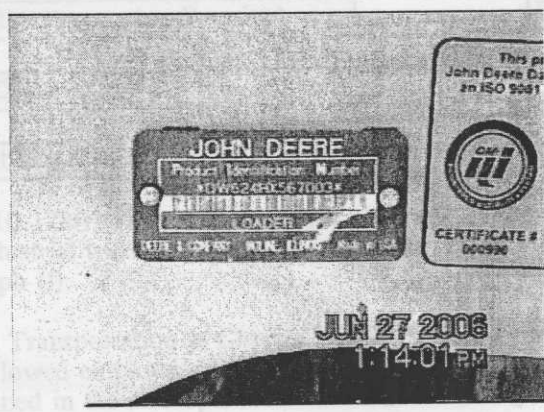
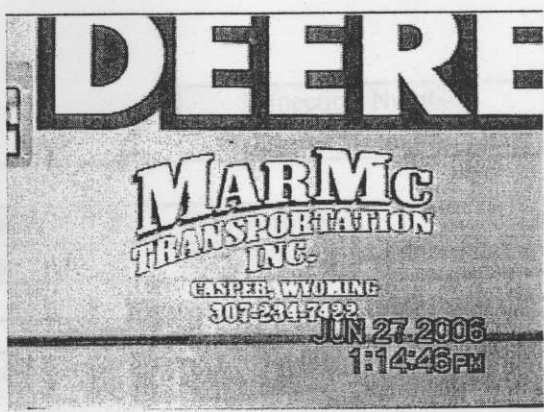
Reviewed by: 	Date: 8/18/06
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During the employee interviews, COSH was informed that the truck pusher approached the fork lift from this angle just prior to the accident which resulted in a fatality. Approaching the fork lift from this angle has a limited view as compared to the above.



Worksheet



During the employee interviews, COSH was informed that the truck pusher approached the fork lift from this angle just prior to the accident which resulted in a fatality. Approaching the fork lift from this angle has a limited view as compared to the above.





Worksheet

Mon Aug 21, Monday 8:22am

Inspection Number	309170280
Opt. Insp. Number	

Establishment Name	Marmc Transportation				
Type of Violation	S Serious	Citation Number	01	Item/Group	001
Number Exposed	2	No. Instances	1	REC	
Std. Alleged Vio.	1910.0178(1)(1)(i)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
1					
Abatement Documentation Required			Date Verified		

Substance Codes	
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AVD/Variable Information:

29 CFR 1910.178(1)(1)(i): The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (1).

(A) MarMc Transportation at Chapita Wells 886-22, a remote location outside of Vernal, Utah on June 26, 2006. The employer allowed employees to operate forklifts with out being trained in accordance with this section. An employee that was not trained in the safe operation of a fork lift fatally injured another employee while operating a fork lift.

Note: 1910.178(1)(6): Certification. The employer shall certify that each operator has been trained and evaluated as required by this paragraph (1). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
H High	G Greater	10	7000.00	60	0	10	2100.00
Repeat Factor		0					

Employee Exposure:						
Occupation	Truck Pusher	Employer				
Nr of Employees	0	Duration	8 hours	Frequency	daily	
Employee Name	Michael K Wilkenson					
Address	281 Lester Drive Rock Springs, WY 82901		Phone	(307)350-7427		
Occupation	Fork Lift Operator	Employer				
Nr of Employees	0	Duration		Frequency		
Employee Name	Laura Purcella					
Address	281 Lester Drive Rock Springs, WY 82901		Phone	(307)371-3526		

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time

06/26/06

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-Fork lift operators not trained
- b) Equipment: John Deere 624H Serial # DW624HX567003
- c) Location: Chapita Wells 886-22, a remote location outside of Vernal, Utah
- d) Injury/Illness: Injured employee died as a result
- e) Measurements: NA

21. Photo Number	Location on Video
Video	

23. Employer Knowledge :

Yes, with due diligence. The company had recently been cited for this violation in another state. They had not actually received the citation yet but had started the training process with employees based in Casper, Wyoming. They had not trained the employees based in Rock Springs, Wyoming yet.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?
Y	Y	S	N	N

First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	2100.00		



Worksheet

Mon Aug 21, Monday 8:22am

Inspection Number	309170280
Opt. Insp. Number	

Establishment Name	Marmc Transportation				
Type of Violation	S Serious	Citation Number	01	Item/Group	002
Number Exposed	2	No. Instances	1	REC	
Std. Alleged Vio.	1910.0178(m)(5)(i)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
1					
Abatement Documentation Required			Date Verified		

Substance Codes	
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AVD/Variable Information:

29 CFR 1910.178(m)(5)(i): When a powered industrial truck is left unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels shall be blocked if the truck is parked on an incline.

(A) MarMc Transportation at Chapita Wells 886-22, a remote location outside of Vernal, Utah on June 26, 2006. The employer allowed employees to leave a forklift unattended with out shutting off the power. Later, an employee boarded the running fork lift which had been left unattended and fatally injured another employee, who was unobserved under the forklift, when he drove away.

Note:

1910.178(m)(5)(ii) A powered industrial truck is unattended when the operator is 25 ft. or more away from the vehicle which remains in his view, or whenever the operator leaves the vehicle and it is not in his view.
1910.178(m)(5)(iii) When the operator of an industrial truck is dismounted and within 25 ft. of the truck still in his view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
H High	G Greater	10	7000.00	60	0	10	2100.00
Repeat Factor		0					

Repeat Factor							
Employee Exposure:							
Occupation	Truck Pusher			Employer			
Nr of Employees	0			Duration	8 hours	Frequency	daily
Employee Name	Michael K Wilkenson				Phone	(307)350-7427	
Address	281 Lester Drive Rock Springs, WY 82901						
Occupation	Fork Lift Operator			Employer			
Nr of Employees	0			Duration		Frequency	
Employee Name	Laura Purcella				Phone	(307)371-3526	
Address	281 Lester Drive Rock Springs, WY 82901						

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
06/26/06

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-unattended Fork lift
- b) Equipment: John Deere 624H Serial # DW624HX567003
- c) Location: Chapita Wells 886-22, a remote location outside of Vernal, Utah
- d) Injury/Illness: Injured employee died as a result
- e) Measurements: NA

21. Photo Number	Location on Video
Video	

23. Employer Knowledge :

Yes, with due diligence.

The fork lift operator parked the fork lift, lowered the forks (dropped the head), engaged the parking brakes, move the steering wheel up and exited the vehicle to eat lunch. The truck pusher and forklift operator invited the fatally injured swamper to join them in their air condition crew vehicle (Excursion) that was parked a short distance behind the fork lift near the road entering the location, he declined saying he was too dirty and he would eat in the shade.

Shortly before or after the truck pusher and the fork lift operator began eating their lunch in view of the fork lift, a delivery truck (called "hot shot truck") arrived pulling a trailer hauling a mud motor to be delivered. The driver approached the truck pusher to unload the trailer using the MarMc Transportation's fork lift because he had been told by the company man that SST's fork lift was not there but at the other location. The truck pusher said they could after they finished their lunch.

As the truck pusher and fork lift operator were finishing their lunch, they were also trying to obtain accommodations in Vernal Utah for that night. The place they had stayed the previous night was booked up, so the fork lift operator was calling other motels. The truck pusher mentioned that his stomach started to bother him so he drove across the location to use the restroom. After he had finished using the restroom, he drove back across location and parked a bit behind the fork lift. The fork lift operator was on the cell phone talking with a motel, so the truck pusher decided to unload the hot shot trailer. He exited the vehicle and approached the fork lift in a 45 degree angle from the corner of the rear driver side. He climbed up into the fork lift, raised the forks, released the brakes and drove forward to unload the truck.

As he was aligning the fork lift with the hot shot trailer to unload the tubulars, one of the truck drivers called him on the communication radio and asked him if he had run over the swamper. At first, the truck pusher thought it was a joke, of course he did not run over the swamper but as that radio call was made, the forklift operator who had just finished with the phone call to the motel, saw the injured lying on the ground where the fork lift had been parked. She exited the crew vehicle and started running towards the injured. This action and her screaming engaged the personnel on the location to respond. (During the interview she stated that she called the truck pusher on the radio to say she could unload the truck because she had found accommodations but the truck pusher responded it was cool enough in the fork lift and he would do it)

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?

Y	Y	S	N	N
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First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	S Serious	2100.00		



Worksheet

Mon Aug 21, Monday 8:22am

				Inspection Number	309170280
				Opt. Insp. Number	
Establishment Name	Marmc Transportation				
Type of Violation	O Other	Citation Number	02	Item/Group	001
Number Exposed	2	No. Instances	1	REC	
Std. Alleged Vio.	1910.0151(b)				

Abatement Period	MultiStep Abatements			Final Abatement	Action Type/Dates
	PPE Period	Plan	Report		
30					
Abatement Documentation Required				Date Verified	

Substance Codes	
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AVD/Variable Information:

29 CFR 1910.151(b): In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.

(A) MarMc Transportation at Chapita Wells 886-22, a remote location outside of Vernal, Utah on June 26, 2006. The employer failed to train their employee(s) working in a remote location to render first aid.

Penalty Calculations				Adjustment Factors			Proposed Adjusted Penalty
Severity	Probability	Gravity	GBP	Size	Good Faith	History	
N Minimal	G Greater	03	1000.00	60	0	10	300.00
Repeat Factor		0					

Employee Exposure:					
Occupation	Truck Pusher	Employer			
Nr of Employees	0	Duration	8 hours	Frequency	daily
Employee Name	Michael K Wilkenson			Phone	(307)350-7427
Address	281 Lester Drive Rock Springs, WY 82901				
Occupation	Fork Lift Operator	Employer			
Nr of Employees	0	Duration		Frequency	
Employee Name	Laura Purcella			Phone	(307)371-3526
Address	281 Lester Drive Rock Springs, WY 82901				

Instance Description:	A. Hazard	B. Equipment	C. Location	D. Injury/Illness	E. Measurements
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4. Date/Time
06/26/06

20. Instance Description - Describe the following:

- a) Hazards-Operation/Condition-No First Aid training
- b) Equipment: None
- c) Location: Chapita Wells 886-22, a remote location outside of Vernal, Utah
- d) Injury/Illness: Injured employee died as a result of an accident
- e) Measurements: NA

21. Photo Number	Location on Video
Video	

23. Employer Knowledge :

Yes, with due diligence. Neither of these employees or the other responding personnel had current First Aid or CPR training as required while working in remote location. It should be stated that the all stated that they had been formerly trained in the past in both First Aid and CPR. All responding personnel interviewed with were able to explain their actions and the reasons for them. SST Rig Manager had been formerly trained.

24. Comments (Employer, Employee, Closing Conference) :

25. Other Employer Information :

26. Classification:				
Serious	Knowledge	S or O	Repeat?	Willful?
Y	Y	S	N	N

First Repeat	Second Repeat	Repeat Penalty

Event Date	Event Code	Action Code	Citation Type	Penalty	Abate Date	Final Order
	Z Add transaction	A Add	O Other	300.00		

INSPECTION #: 309170280 E: Programmed ☐ Complaint ☐ Accident ☒ at /Cat. ☐ Other ☐
 DATE(s) OPENING: 6/2/06 WALK AROUND: 6/2/06 CLOSING: 6/15/06
 Business Legal Name: Mm Mc Transportation SIC: 36-101563765
 Site Address: _____ Zip: 170-201561636
 City: _____ Zip: 168-307001420
 Site Phone Number: () _____
 MAILING ADDRESS: PO Box 656, Mills Wyo 82644
 City: Physical Address 3010 North Starline Road Casper Wyo 82609
 OTHER MAILING ADDRESS: _____
 City: _____ Zip: _____
 Phone Number: () _____

MANAGEMENT:

NAME	TITLE/POSITION	OPEN	WALK	CLOSE
<u>Bert Eldredge 307-262-1424</u>	<u>Safety Manager</u>	<u>✓</u>	<u>✓</u>	
<u>Don Borabier 307-262-1424</u>	<u>Manager - Supt</u>	<u>✓</u>	<u>✓</u>	
<u>Bert 307-277-8369</u>				
<u>Eric G Maxwell</u>	<u>EDS Resources - Manager</u>		<u>✓</u>	

DESCRIPTION OF BUSINESS:

Oil Field Transportation - Heavy Hauling 634H John Deere
2-6W + 1-Beel
John Deere 5400L + 1-Beel
DW624H X567003

OWNERSHIP:

☒ Corporation ☐ Partnership ☐ Sole Owner ☐ Other: _____
 # Employees UTAH 6 # Employees this facility 6 # Covered by inspection 6
 Worker's Comp Carrier: State of Wyoming Policy #: 2882946

Union- YES ☒ NO ☐

Employees Union Organization:

Local Address _____ Local # _____
 Phone Number: () _____ Zip _____

EMPLOYEE REP. / UNION:

NAME	TITLE/POSITION	OPEN	WALK	CLOSE

POSTING: UOSH Poster, 300 Log, Fire/Emergency Evacuation Plan

REPORTING: Review Accident/fatality, Review OSHA 300

MISC. CHECKLIST DISCUSSION:

First Aid, Emergency Phone Numbers, Medical/First Aid Training CPR
 Workers Comp Carrier & Policy Number

WRITTEN PROGRAM REQUIRED:

Fire Evacuation /Disaster-Emergency Plans

HAZWOPER

Hazard Communication Developed me train Diesel & Motor Oil

PPE Written Hazard Assessment Glove, Hard Hat, Boots,

Respiratory Protection NA - Applicable your shop

Noise

Regulated Substances (.1000)

Compliance Programs: pb, Asbestos N/A

Engineering Controls Ventilation

Confined Entry NA

Lockout/Tagout Shop - Training

PSM N/A

Chemical Hygiene/Lab Safety N/A

Exposure Control Plan/Blood borne Pathogens Developed and Training

CERTIFICATION/TRAINING 2 Four hrs - Visual Daily

Industrial Truck Train in shop operator was not train

Fall Protection (Construction) Came On & Remains here 2 Speedy Assessment

WRITTEN INSPECTION	
Mechanical Power Press	<i>MP</i>
Crane	<i>1</i>
SAFETY & HEALTH PROGRAM	
Written Safety Policies	<i>Developed + TRAINED in Casper</i>
Substance Abuse Program	
Progressive Discipline	
Employee Safety & Health Training	
MISC OPERATIONS	
Flammables & Combustibles	<i>has been working w/ Wyo OSHA has not received</i>
Explosives	
Welding Operations	<i>Shop</i>
Ergonomic	<i>NOT @ this Time</i>
Repetitive Motion	
Heavy Lifting	

Basic Info. Provided

☒ Utah Safety Council Phone #262-5400	☐ Safety Pays
☒ Utah OSHA Poster (English, Spanish, Braille)	☒ Employer Rights & Responsibilities
☐ OSHA 300 Log	☐ Safety & Health Program
☒ Consultation Services	

Other Info.

☐ Bloodborne Path. Prog.	☐ Excavations	☐ Mobile Work Platforms	☐ Respiratory Protection	☐ Woodworking Mach.
☐ Chemical Hygiene	☐ Fall Protection	☐ Noise Control Program	☐ Respiratory Fit-Test	☐ Workplace Violence
☐ Progressive Discipline	☐ Hazard Communication	☐ PPE Guidelines	☐ Substance Abuse	
☐ Confined Space	☐ Hearing Conservation	☐ PIT (Forklift)	☐ Tuberculosis Control	
☐ Electrical Shock	☐ Lock-out/Tag-out	☐ Process Safety Mgmt.	☐ Walk. /Work. Surfaces	

CLOSING CONFERENCE:

Closing Conference

Alleged Violations Documentation:

Willful – (1) Where evidence shows that the employer committed an intentional and knowing violation of the Act, and/or (2) was aware that a hazardous condition existed and did not make a reasonable effort to eliminate the condition.

Serious – A serious violation exists in any workplace if there is a substantial possibility that death or serious physical harm could result.

Other Than Serious – Where an accident or illness results from a hazardous condition that would probably not cause death or serious physical harm but would have a direct and immediate relationship to the safety and health of the employees.

Repeat Violations – Violations where a previous inspection produced a citation for the same or a substantially similar violation.

Failure to Abate – Violations that were cited in the initial inspection, that have been found to not be corrected by the abatement date of the citation, that were found during a following inspection.

Penalties are based on :

Gravity – 1) Severity (High, Med, Low, Min); 2) Probability (Greater, Lesser)

Size – 1-25 (60%), 26-100 (40%), 101-250 (20%), More than 250 (0%)

Good Faith – Up to 25% (written safety and health program)

History – 10% for employers who have not been cited for serious, repeat, or willful violations in the past 3 years.

☒ Willful, Repeat, Serious, Other	☒ Penalties-Citation	☒ Abatement Dates & Procedures
☒ Certified Mail	☒ Posting Citations (3 Days)	☒ Letters of How / When Abated
☒ Informal Conference	☒ Appeal Procedures 30 Calendar Days	☒ Extensions
☒ Follow Up Inspections	☒ To Contest (in writing)	☒ Discrimination
	☒ Consultation / Training Office	