

Inspection Summary Report

Inspection Information

Inspection Number / Program	Triggering Activity	UBI / Bus Loc	Account Number	Special Tracking
317957015 / Safety	102416772	603536002 / 1494502	57096802	STUTE
Establishment DBA / Legal Name	Legal Entity	Assignment Type	Site Region	Inspection Scope
KATERRA INC / KATERRA INC	Corporation	Unprogrammed-Related	1055310	Comprehensive
CSHO ID / CSHO Name	CSHO Region	Target List / Rank	On List	OSHA Inspection Number
A4242 / DAN ANDEMARIAM	1055310	None	N	1444791
Primary NAICS	Primary NAICS Description			
444190	OTHER BUILDING MATERIAL DEALERS			
Site NAICS	Site NAICS Description			
444190	OTHER BUILDING MATERIAL DEALERS			
Site Address		Mailing Address		
KATERRA INC 128 127th Ave SE Everett, WA 98208 Phone: (206) 475-7590 Cell: (425) 949-6979 Email: adam.puffenberger@katerra.com		KATERRA INC Attn Mark Morely 9305 E Via De Ventura Ste 200 Scottsdale, AZ 85258 Phone: (813) 417-2483 Email: mark.morley@katerra.com		

Violation List

Inspection Number / Program	Triggering Activity	UBI / Bus Loc	Account Number						
317957015 / Safety	102416772	603536002 / 1494502	57096802						
Establishment DBA / Legal Name		Assignment Type / Site Region	CSHO / CSHO Region						
KATERRA INC / KATERRA INC		Unprogrammed-Related / 1055310	A4242 DAN ANDEMARIAM / 1055310						
Violation	Item	Group	Type	Standard	Penalty	Instances	Abatement Days/Date	Date Corrected	Quick Fix
1	1		S	296-155-24609 (7)(a)	7,700.00	1			No
Total Penalty: \$7,700.00									

Inspection Summary

Opening conference held on 11/12/19 with head of construction Greg Smith, general superintendent Scott Lindsay, site superintendent Mark Schulz, compliance manager (via telephone) Adam Puffenberger, site project manager Victor Ponce, project executive Brock Henderschott, safety manager Jarrod Achocen and safety manager Bob Roach.
Closing conference held on 02/14/2020 with Jason Cupo director of construction counsel.

This is a comprehensive inspection of the general contractor based on the reporting of a fatality of a subcontracted roofer of Tacoma Roofing & Waterproof. There was an inspection with Tacoma Roofing & Waterproof (#317957012). Tacoma Roofing & Waterproof was contracted to roof 8 3-story apartment buildings and 1 clubhouse. The work site is located at 128 127th Ave SE Everett, WA 98208.

The deceased worker fell from a 30' ft. high roof with a 5/12 pitch and struck a nearby conex container before landing on the ground. A co-worker came to the scene where the worker landed and called 911. The co-worker stated that the worker was wearing a harness but a lanyard was not attached to it. Prior to the incident, the deceased worker went onto the roof to tie off but did not have an anchor to tie off to, and went back to the work truck to retrieve an anchor. South Snohomish Fire and Rescue responded to the scene and transported the worker to Providence Hospital in Everett, WA, where he succumbed to injuries of blunt force trauma to the chest.

The proposed violations of the inspection (#317957012) of subcontractor Tacoma Roofing & Waterproof, are listed as follows:

- 1.) (Repeat Serious); 296-155-24609(7)(a): No fall protection while on a steep pitched roof.
- 2.) (General); 296-155-110(5)(a): No crew leader-crew safety meetings for the week of the incident, 11/11/19.
- 3.) (General); 296-155-110(9)(a): No walk-around safety inspection for the week of the incident, 11/11/19.

Katerra Inc. had upwards of 41 subcontractors on the job-site throughout the course of the project, which began December of 2017 with an expected completion date of May of 2020.

There were approximately 120 workers on the job-site at the time of the incident.

Katerra Inc. conducts daily safety inspections of the job-site. Katerra Inc. addresses, corrects and documents safety issues of their onsite subcontractors.

Stute case worksheet was completed. Surveillance video of the incident at job site yard was requested and reviewed.

Photos of where the incident took place and the surrounding area were taken.

Various documents were requested and reviewed.

-Site specific fall protection work plan dated 10/22/19.

-Site specific Accident Prevention Plan.

-Valid certified First-Aid, CPR & AED course of site superintendent Mark Schulz.

-Contract with subcontractor Tacoma Roofing & Waterproof.

-Snohomish County Fire & Rescue report as well as Snohomish County Medical Examiners Office report.

An interview with electrician Brian Zimny took place on 11/20/19.

An interview plumber Latwan Taylor took place on 11/20/19.

Late into the inspection, certain information came to light by a former Health, Safety, and Environment Technician of Katerra Inc., [REDACTED] who repeatedly raised safety concerns regarding the practices of subcontractors at the work site, prior to this incident taking place. I met and spoke with [REDACTED] and discussed what [REDACTED] observed at the work site along with, when and how [REDACTED] brought these concerns to the attention of Katerra Inc. officials. Several weeks prior to the incident, [REDACTED] alerted Katerra Inc. officials via text messages, expressing her frustration that onsite Katerra Inc. officials were failing to make sure that subcontractors were complying with safety standards. In one of the text messages dated 09/11/19, [REDACTED] warns that a severe injury or fatality will result if Kaerra Inc. leadership do not take safety policies more seriously.

[REDACTED] contacted and invited Gary Sadowski of LNI consultation (visit # 507004066), and a consultation visit at the work site began on 09/23/19. Mr. Sadowski found numerous safety hazards, including 2 fall hazards [#7: 296-155-24609(4)(c) and #11: 296-155-24605(2)(a)].

Although Katerra Inc. has the required safety documents and trainings, based on the totality of circumstances, Katerra Inc. were ineffective in administering safety practices and therefore did not meet their duty of care as required by Dosh Directive 27.00 General or Upper-Tier Contractor

(STUTE) Responsibility.

This inspection resulted in the following proposed STUTE violations for the general contractor, Katerra Inc:
1-1 (Serious) 296-155-24609(7)(a): No fall protection while on a steep pitched roof.

CSHO Signature Date

Supervisor Signature Date

Reviewer Date
Signature



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

February 27, 2020

KATERRA INC
Attn Mark Morely
9305 E Via De Ventura Ste 200
Scottsdale, AZ 85258

OSHA #: 1444791
Inspection: 317957015
UBI: 603536002
Region: 1-Safety
Inspector ID: A4242
Reference: 102416772

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 \$7,700.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **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 www.secure.lni.wa.gov/verify .

Please visit www.lni.wa.gov/PublicRecords if you would like to request a copy of the inspection file. Your choices are:

- Safety & Health Citation Only
- Safety & Health Brief Inspector Summary Report (short description the inspector writes to summarize the reason for the inspection only – not complete file)
- Safety & Health Detailed Inspection Summary Report (detailed summary of inspection including penalty calculation only – not complete file)
- Safety & Health Citation and Complete Inspection File (The complete legal file which contains the detailed information regarding the inspector’s findings, the citation, and calculation of any penalty. This will be especially helpful if you are contemplating filing an appeal.)

If you have questions, call the compliance supervisor, Jeffrey Wheeler, at (425) 290-1390.

Respectfully,

Anne F. Soiza

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

Enclosure(s)



Washington State Department of
Labor & Industries
 Division of Occupational Safety and Health

Invoice

Inspection: 317957015

UBI: 603536002	Issued: February 27, 2020
Legal Name: KATERRA INC	Opening Conference: November 12, 2019
DBA Name: KATERRA INC	Closing Conference: February 14, 2020
Inspection: 128 127th Ave SE,	Inspector ID: A4242
Site: Everett, WA, 98208	

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	Serious	WAC 296-155-24609(7)(a)	Not Applicable	\$7,700.00
<u>Total Penalty Due</u>				\$7,700.00

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 317957015 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: 317957015**

UBI: 603536002

Issued: February 27, 2020

Legal Name: KATERRA INC

Opening Conference: November 12, 2019

DBA Name: KATERRA INC

Closing Conference: February 14, 2020

Inspection Site: 128 127th Ave SE Everett, WA 98208

Inspector ID: A4242

Violation 1 Item 1

Violation Type: Serious

WAC 296-155-24609(7)(a)

As the general contractor, you did not fulfill your non-delegable duty to ensure compliance with all applicable WISHA regulations for every employee on the job site by assuring compliance with WAC 296-155-040(1) where the sub-contractor Tacoma Roofing & Waterproof did not ensure that a fall protection system was provided, installed, and implemented when employees were exposed to fall hazards of four feet or more to the ground or lower level,

An employee of a subcontractor Tacoma Roofing & Waterproof, was not using fall protection exposing a roofer to a fall hazard of approximately 30' feet to the ground while performing roofing work on a 5/12 pitch roof of a 3-story building being constructed, located at 128 127th Ave SE Everett, WA 98208.

A vertical fall of approximately 30' feet to the ground could lead to permanent disabilities or a fatal injury.

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: \$7,700.00