

NARRATIVE SUMMARY

Establishment Name: Three Frogs, Inc.	Inspection Number: 317230167
Management Contacted: John B Murphy EE#6	Title: COO/Partner/Broker

Information on Injured Covered by Workers' Compensation Yes No

Name, Address and Phone Number Joshua Alan Pudsey EE#1	Occupation Laborer
[REDACTED]	

Use additional form(s) as needed

Witness Name(s) and Title

*Check box preceding name if confidentiality is given

EE #	Names and Title(s)	Address	Phone No.	Signed Statement?
<input type="checkbox"/> #2	Robert Woods Laborer	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="checkbox"/> #3	George Estrada Laborer	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="checkbox"/> #4	Pedro Arroyo-Fuentes Laborer	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="checkbox"/> #5	Antonio Gonzales-Decena Laborer	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="checkbox"/> #6	James Carroll Laborer	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="checkbox"/> #7	Scot Wolfe President/Partner	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<input type="checkbox"/> #8	Gary Furguson Neighbor	[REDACTED]		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Use additional form(s) as needed

Summary

NOTE: **DO NOT USE** employees' name in the narrative summary. Rather, assign a number to the employees or nonemployees refer in the report. Compliance personnel shall complete all items on the Cal/OSHA 170A and shall not rewrite or abstract the information already entered on the OSHA 170. Cal/OSHA 170A is designed to provide a concise summary of the accident investigation in narrative form.

INTRODUCTION

On the morning of 11/12/13, at approximately 08:05, a laborer (EE#1) employed by Three Frogs, Inc., was killed while working in the bucket of an aerial lift. EE#1 and another laborer (EE#2) were cutting down a eucalyptus tree at 4450 Date Street, La Mesa, California. EE#1 died shortly after being struck by a 25ft branch.

REPORTING REQUIREMENTS:

Representatives from the La Mesa Fire Dept. and La Mesa Police Dept. reported the accident to the San Diego District Office at approximately 08:30 on 11/12/13, informing of the accident and that EE#1 had died at the scene. No one from Three Frogs, Inc. reported the accident to the Division. An inspector arrived at the scene at approximately 09:26 on 11/12/13.

CONDITIONS AND FACTORS LEADING TO ACCIDENT:

Three Frogs, Inc. is a real estate partnership that purchases homes, repairs and refurbishes them and then resells them. Three Frogs uses skilled and unskilled labor to perform a variety of tasks such as demolition, clean up, landscaping, plumbing, plastering and other construction-related tasks. Work at this location began in early November, 2013.

EE#7 approached workers at another Three Frogs Project the Friday before the accident asking if anyone had experience cutting trees and knew how to operate a boom lift. #2 and #4 said they had experience cutting trees, and #1 and #3 said they knew how to operate the boom lift. #7 then told them to report to 4450 Date Ave in La Mesa to cut down the large eucalyptus tree next to the house.

On 11/11/13, EE#7 ordered an 80-foot articulating boom lift from United Rentals in Lakeside, California and had it delivered to House Project #1, 4450 Date Ave, La Mesa, CA. That same day, EE#3 accepted delivery of the boom lift at House Project #1.

The boom lift was set up on the private driveway directly in front of the home at 4450 Date Ave. that morning, and then EE#4 and EE#5 went up in the boom lift and began to cut down the large eucalyptus tree that was located right next to the home. EE#5 operated the boom lift's controls while EE#4 cut sections of the tree using a chainsaw, letting the cut sections freefall to the ground below. Later, after a neighbor complained to the owners of Three Frogs, the workers began lowering the sections using ropes. Later that same day, EE#1 and EE#2 arrived at the worksite to relieve EE#4 and EE#5. EE#1 and EE#2 went up in the boom lift and continued cutting sections of the tree. EE#1 operated the boom lift while EE#2 cut the tree sections using a chainsaw. They continued working until approximately 17:00 when it started to get dark.

The following morning, 11/12/13, EE#1 was late arriving, so EE#3 operated the boom lift while EE#2 continued cutting the tree sections as he had the day before. EE#1 eventually arrived, so EE#3 maneuvered the lift to the ground so that EE#1 could partner again with EE#2. After a discussion between EE#1 and EE#2, they went back up where they took the end of a rope that EE#3, EE#4, and EE#5 were holding on the ground in a grassy area located southeast of the home at 4450 Date Ave. EE#1 then maneuvered the lift basket to a location high up in the tree where EE#2 attached the rope they took up with them to a high point in the tree. EE#1 then lowered the lift to the lowest crotch, where the tree branched out from the main trunk. Two branches had been previously cut, and the 25-foot section to which they attached the rope, remained. EE#2 then made a cut on the southeast facing side of the tree branch using a chainsaw. After this, EE#3 made another cut on the opposite side of the first cut. The remaining uncut part then broke, causing the tree to fall toward EE#1 and EE#2. EE#3, EE#4, and EE#5, who were holding the rope that was attached to the tree were not able to pull the cut tree branch in the opposite direction and it continued to fall toward EE#1 and EE#2. EE#2 dodged the falling branch, but EE#1, who was facing away from the falling tree and looking at the boom lift's controls, was struck on the back or side of the head by the falling branch. The impact from the branch pushed his head forward and drove his forehead into the top rail of the lift's basket. EE#1 immediately collapsed on the floor of the bucket. EE#2 attempted to maneuver the lift down to the ground but was not able. After hearing EE#2 yelling down from the bucket, EE#3 ran up and took control of the boom lift from the ground level control panel and lowered it to the ground. EE#6 who was arriving at the scene called 911 to summon paramedics. When La Mesa Paramedics arrived on the scene, EE#1 was already deceased. Paramedics removed EE#1's body from the basket and laid him on the driveway.

CAUSES AND CONCLUSIONS:

- Employer, Three Frogs, Inc. is not a licensed tree removal company
- Three Frogs, Inc. directed untrained laborers to cut down a large eucalyptus tree.
- Three Frogs, Inc. did not have procedures in place to effectively identify unsafe work conditions and procedures associated with cutting down the tree.

- None of the employees Three Frogs, Inc. directed to cut down the tree were Qualified Tree Workers.
- Employees were rushed by the owners of Three Frogs, Inc. to cut down the tree as quickly as possible.

The employees of Three Frogs, Inc. were never trained or given instruction on how to cut down the tree safely. Employees were not wearing any PPE and were dropping cut sections without any method of control. The employees were cutting small sections of the tree at a time, but then were rushed and they cut very large branch that they were not able to control. The large branch fell in the opposite direction they had intended due to poor planning, lack of training and experience, poor direction, and ultimately, directed to perform a job which they were not licensed or qualified to do.

ACCIDENT RELATED-SERIOUS CITATIONS ISSUED:

***Citation 2 Item 1**

3421(b). Each work location where tree trimming, tree repairing or removal is to be done shall be under the direction of a qualified tree worker.

a) On and before 11/12/13, employees of Three Frogs, Inc. were not under the direction of a qualified tree worker when they were directed to remove a large eucalyptus tree at 4450 Date Ave., La Mesa, CA.

***Citation 5 Item 1**

3421(f). A job briefing shall be conducted by a qualified tree worker before each work assignment is begun. Such job briefing shall include the description of the hazards unique to the work assignment, the appropriate work procedures to be followed, the appropriate personal protective equipment needed, and any other items necessary to ensure that the work can be accomplished safely. Additional job briefings shall be held if significant changes which might affect the safety of the employees occur during the course of the work.

a) On and before 11/12/13, a job briefing was not conducted by a qualified tree worker prior to beginning the tree removal operation as there were no qualified tree workers at the employers jobsite at 4450 Date Ave., La Mesa, CA.

b) On or about 11/12/13, significant changes were made in the manner the tree was cut without any additional job briefings being held which affected the safety of the employees present. As a result, when the method of cutting the tree changed from cutting small sections to cutting a section that was greater than 20-feet in length, employees were not able to control it and an employee was fatally injured by the falling tree.

***Citation 7 Item 1**

3427(b)(4) When a rigging system is necessary, a qualified tree worker shall determine the appropriate rigging system for the removal project based on factors that include, but are not limited to, the species, size, weight, and length of tree sections or limbs being removed.

a) During tree removal operations on and before 11/12/13 at 4450 Date Ave, La Mesa, CA, the rigging system that was used had not been determined by a qualified tree worker to be appropriate for the species, size, weight, and length of the tree section being removed

***Citation 8 Item 1**

3427(b)(6) Wedges, block and tackle, rope, and other lowering devices shall be used when there is a danger that a tree or trees being removed may fall in the wrong direction or damage property. All limbs and sections shall be removed to a height and width sufficient to allow the tree to fall clear of any wires or other objects in the vicinity.

a) As a result of the failure to use wedges, block and tackle, rope, or other lowering devices to prevent a large tree section from falling in the wrong direction, an employee of Three Frogs, Inc. was fatally injured on or about 11/12/13 when he was struck by a large falling tree section that was cut by another employee.

	Signature	Date:
Prepared By: Louis Vicario, ASE		
Reviewed By: District Manager		
Reviewed By: Sr. SE/IH		
Regional Manager		