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were withdrawn after an appeal.

Of those inspected during the past five years, 63 percent of forestry contractors were cited with violation and deemed non-compliant with health and safety law. For sawmills, 67 percent of inspections yielded violations.

Violations cited ranged from the employers' failure to produce documentation of safety and hazardous chemical training and first aid certification to inadequate protective gear, observed dangerous behavior, missing safe guards on machinery – which in some cases had cost a worker a serious injury that led to the inspection – and unsafe transportation when carting workers to jobsites all over the state.

OSHA's Beck said the biggest challenge in regulating the reforestation industry is finding the remote worksites in the middle of the forest.

But it's gotten easier since the U.S. Forest Service began posting a public list of its active worksites in Region 6 national forests in 2011. This information sharing stemmed from meetings of federal and state government agencies and advocates that have been held twice a year since 2009 in an effort to find ways to more effectively protect forestry workers.

Carl Wilmsen, director of Northwest Forest Worker Center said the other positive thing to come out of these meetings was increased oversight by the U.S. Department of Labor.

"When Jeff Genkos was the regional director for the Wage and Hour Division in Portland, he actually took this issue to heart and did delegate to his staff to start doing inspections of forestry contractors, and they did quite a few," he said, adding that attention from the federal Labor Department has waned since Genkos' departure.

Since 2004, the Department of Labor has closed 19 investigations of wage theft at reforestation contractors in Oregon. Two familiar names were among those investigated: Summitt Forests and Cutting Edge Forestry.

Wage and Hour investigations found both had violated multiple labor laws, including overtime pay. At the conclusion the investigations, Cutting Edge Forestry agreed to pay 26 employees \$2,000 in back wages, and Summitt Forests agreed to pay 233 employees \$29,000 in back wages.

Throughout the investigation, OSHA had no direct contact with Ponce-Leon's family. A letter was sent to his next of kin – in English, with his name misspelled and to a faulty address.

Neither Cutting Edge Forestry nor Summitt Forests responded to interview requests from Street Roots.

Wilmsen said that for years, Northwest Forest Worker Center has argued to the U.S. Forest Service that it should stop doing business with contractors that abuse their employees.

"They have the authority to enforce the provisions of their own contracts, because it is written into the contracts that the contractors are required to comply with all relevant labor laws," he said.

Street Roots asked the Bureau of Land Management what action it took after Ponce-Leon died on its property, likely due to the negligence of Cutting Edge Forestry, which was cited for violations related to his death. BLM spokesperson Maria Thi Mai said when contractors are found in violation of the law, it is noted and is taken into consideration on future deals.

The year following Ponce-Leon's death in 2011, Cutting Edge Forestry won twice as many contracts under the U.S. Department of the Interior, which houses BLM, and also increased the number of contracts won under the U.S. Department of Agriculture, which houses the Forest Service, according to InsideGov.

OSHA hasn't inspected Cutting Edge Forestry since Ponce-Leon's death more than four years ago.

It didn't visit Summitt Forests again either until an injury prompted an investigation in 2015 – earning the contractor another fine – this time \$250 for not taking 21-year-old Juan Estaban Encamacion, who had cut through his boot and left big toe with a chainsaw, to the nearest medical facility one hour away in Lakeview. Instead, because the crew had completed the job, the foreman took him on a four-hour ride to Medford before getting him medical attention.

Beck said both companies had provided proof that they'd corrected their behavior after Ponce-Leon's death, so no follow-up investigations were warranted.

"We can't just arbitrarily go out there," he said. "They've got to show up on our scheduling list."

Each year, OSHA has a programmed list of 50 logging and reforestation operators it can inspect. If a contractor isn't on the list, it can't be subjected to an inspection unless there's a death, serious injury, complaint or referral. The list is primarily composed of logging companies, with about 10 to 20 reforestation contractors each year over the past five years.

But there is a fatal flaw in the way OSHA determines its annual list. One of the major factors in determining who gets inspected is the number of disabling workers compensation claims that have been filed. But the agency is well aware that fear of retaliation in the industry is widespread, and that many workers are discouraged – under fear of losing their job or of being deported – from filing such a claim at all.

This means companies successfully warding off workers compensation claims by way of intimidation are not only keeping their costs down, but are rewarded with a lower chance of being inspected by OSHA as well.

This might be why two reforestation operators that have reputations for treating their workers well have shown up on OSHA's inspection list a combined total of six times between 2011 and 2015.

Violation history is also calculated into OSHA's scheduling determination, said Beck.

But neither Cutting Edge Forestry nor Summitt Forests has popped up on the list since Ponce-Leon's death.

In April, 2013, while thinning trees for the U.S. Forest Service in the Fremont-Winema National Forest near Klamath Falls, Juan Garibay was struck in the back and shoulders by a falling 81-foot tree, breaking his neck. His co-worker was not following the basic two-tree-length rule of

forestry, meaning workers should be two tree lengths apart when felling trees.

The site supervisor watched the whole thing happen from 15 feet away, but did nothing to stop it, according to state reports. The OSHA inspector discovered the company safety policy was, "Be careful and take care of each other," rather than following adequate

procedures. He also discovered the employer knew about the two-tree-length rule. Fremont Forest Systems Inc. was cited for three violations. It received a 60 percent reduction in penalties due to its size, bringing its fine to \$6,100, the largest fine issued in a single investigation between 2011 and 2015.

Fremont Forest Systems didn't come up on the inspection list in the years following its violations either.

Lomakatsi Restoration Project is a reforestation nonprofit out of Ashland that prides itself on paying its workers well, training them properly, and serving as an example of how the industry should be operating.

According to data compiled for Street Roots by the Oregon Department of Consumer and Business Services, Lomakatsi had less than half the number of workers' compensation claims between 2000 and 2011 than both Summitt Forests and Cutting Edge Forestry, and a good track record with OSHA. But Lomakatsi popped up on OSHA's annual inspection list three times during the past five years.

When asked to name another company that follows Oregon's labor laws and treats its workers well, Lomakatsi director Mark Bey named Grayback Forestry Inc., which also popped up on OSHA's annual inspection list three out of the past five years, although Grayback Forestry had a significant number of workers' compensation claims.

Both were inspected three times. Both passed twice with flying colors, and neither was cited for violations warranting monetary fines when it was cited.

"There has always been a certain percent that does everything right, and a whole bunch that don't," said Grayback owner Michael Wheeler. He said lately it's starting to feel like it was in the late 1980s again – with many contractors choosing to flat-out ignore labor laws.

Research conducted by the Northwest Forest Worker Center has indicated widespread abuse and dangerous working conditions in the industry in the region. Many of the state's 284 contractors have never been inspected.

**"There has always been a certain percent that does everything right, and a whole bunch that don't."**

**MICHAEL WHEELER**  
OWNER OF GRAYBACK FORESTRY

**Storybook Creek**

by Avendor

The silver salmon  
leaps from the stream  
to catch the berries of wisdom.  
The grass of the riverbank  
is emerald green  
holding him in its bosom.  
The bridge overheads'  
rotting wood  
crumbles into the water.  
The king of the creek  
summons the beaver  
for the whereabouts of his daughter.  
The limbs of the trees  
with their arms outstretched  
embrace the whole affair.  
Then the daughter returns  
with the supper she earned  
cleverly outwitting a hare.  
The light of the sky  
grows fainter and nigh  
as the sun sits down to rest.  
The bards of the moon  
play together in tune  
till that sphere reaches her crest.  
And all through the night  
the salmon'll burn bright  
and the king watch oe'r his domain.  
Til' the morning comes  
when the daughter will run  
cheerfully down its mane.

**Untitled**

by Cathy E.

I exhale  
and chills creep through my abdomen  
I inhale  
and my heart skips a beat  
I'm thinking of you  
and not meaning to  
listening to you speak of other women  
all the while hints of jealousy seeps  
into my heart  
I laugh nervously; hoping he is  
not concrete  
but,  
deep down inside I wish it was me.