



Oregon

John A. Kitzhaber, MD, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)
350 Winter Street NE, Room 430
PO Box 14480
Salem, OR 97309-0405
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www.orosha.org

BEFORE THE STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
PO BOX 14480
SALEM, OR 97309-0405

In the Matter of the)
Alleged Violation of the)
OREGON SAFE EMPLOYMENT ACT) NEW ISSUE CITATION
By: **WildCat Haven Inc**)

Michael Tuller President
WildCat Haven Inc
PO Box 1071
Sherwood OR 97140

Employer ID No: **1428192-000**
Optional Rpt Num: **K3082-005-14**
Date Issued: **03/10/2014**

Enclosed is a new issue Citation that changes the variable language in Citation 1 Item 1, paragraph a. All other information contained in Citation is to remain the same in all respects.

Appeal rights begin upon receipt of this citation.

NOTICE TO ALL PARTIES: This becomes a part of and must be attached to the original citation.

Chris Ottoson
Oregon OSHA
(503) 947-7388

Date: **March 10, 2014**

317340412 (91)



Oregon Department of Consumer and Business Services

Oregon Occupational Safety and Health Division (OR-OSHA)

1750 NW Naito Parkway Suite 112

Portland, OR 97209-2533

Phone: (503)229-5910



Citation and Notification of Penalty

To:
Michael Tuller President
WildCat Haven Inc
PO Box 1071
Sherwood, OR 97140

Inspection Number: 317340412(91)
Inspection Date(s): 11/12/2013-02/05/2014
Issuance Date: 03/10/2014
Optional Rpt Num: K3082-005-14
Employer ID No: 1428192-000

Inspection Site:
31369 NW Heater Rd
Sherwood, OR 97140

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.

In the interest of assuring a safe and healthy workplace, the Oregon Occupational Safety and Health Division (OR-OSHA) conducted an inspection at a workplace under your control. During this inspection, violations of the Oregon Safe Employment Act and occupational health and/or safety rules were found.

This citation lists the violations and a date by which they must be corrected. If you are not able to correct the violations by the correction date, you must apply for an extension of the correction date by following the instructions outlined later in this citation. Oregon laws require that under certain conditions violations of occupational safety and health rules carry a civil penalty. If penalties have been assessed on this citation, they have been computed in conformity with Oregon Administrative Rules, Chapter 437, Division 1. If you want to appeal this citation, file your request for hearing within 30 calendar days as outlined on the reverse side of this page. If you choose not to appeal this citation, it becomes a final order 30 calendar days after receiving it. You must abate the violations referred to in this Citation by the dates listed, and pay the proposed penalties.

An effective Safety and Health program not only assures the correction of cited violations, it also requires actions to prevent violations from recurring. Through continued cooperation of employers, employees and OR-OSHA, a safe and healthful workplace for all Oregon employees can be achieved.

Michael D. Wood, Administrator
Oregon OSHA

COPY

PLEASE SEE REVERSE SIDE OF PAGE FOR IMPORTANT INFORMATION

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 has (have) been abated, or for 3 working days (excluding weekends and holidays), whichever is longer.

Penalty PAYMENT - Penalties are due 20 days after the citation becomes final order (which is 30 days after receipt of this citation, unless appealed). Make your check or money order payable to "Department of Consumer & Business Services" (DCBS), and mail to **DCBS, Fiscal Services Section, PO Box 14610, Salem OR 97309-0445**. Please include the Inspection Number on the remittance and return a copy of the invoice with payment. OR-OSHA 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 they do not exist.

Employer APPEAL Rights - To appeal a citation, you must clearly state in writing that you are requesting a hearing on the citation and specify the alleged violation(s) contested and the grounds upon which you consider the citation, proposed penalty(ies), or correction period to be unlawful. The request for an appeal must be filed within 30 calendar days of receipt of the citation. An appeal is considered filed on the date of postmark, if mailed, or on the date of receipt if transmitted by other means. If mailed, the appeal letter should be sent to: **Oregon OSHA, PO BOX 14480, Salem OR 97309-0405**. You can file an appeal on-line at www.orsosha.org/appeals.html

A request for an informal conference alone is not an appeal of a citation, and any unresolved issues discussed at an informal conference will not be forwarded for appeal unless there is a timely request for hearing filed.

If you do not request a hearing within the required time frame, this citation will become a final order that is not subject to review by any agency or court.

IMPORTANT NOTE: Appealing a serious violation or the reasonableness of the correction date does not automatically extend the correction date. You may apply for an extension of the correction date through OR-OSHA or request an expedited hearing on the issue of the correction date with the Workers' Compensation Board Hearings Division (Oregon Revised Statute 654.078(6)).

Letter of Corrective Action - You are required to complete and mail the enclosed Letter of Corrective Action to the appropriate field office on or before the latest correction date on the citation. Please provide a detailed explanation and supporting documentation (if necessary), such as drawings or photographs of corrected violations, purchase or work orders, air sampling results, etc.

EXTENSION of Correction Date - To apply for an extension for correcting a violation, submit a written request to the **office** on the "Letter of Corrective Action" or on-line at www.orsosha.org/appeals.html, and include:

- (1) Employer name and address.
- (2) The location of the place of employment.
- (3) The inspection number and optional report number.
- (4) The violation number for which the extension is sought.
- (5) The reason for the request.
- (6) All available interim steps being taken to safeguard employees against the cited hazard during the requested extended correction period.
- (7) The date by which you propose to complete the correction.
- (8) A statement that a copy of the request for extension has been posted as required by OAR 437-001-0275(2)(d) and (j) or for at least 10 days, whichever is longer; and, if appropriate, provided to the authorized representative of affected employees; and, certification of the date upon which the posting or service was made.

COPY

Your request must be postmarked or received by the Department no later than the correction date of the violation for which the extension is sought.

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 with the Bureau of Labor & Industries (BOLI) no later than 90 days after the discrimination occurred.

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 is unreasonable. The objection letter must be mailed to OR-OSHA and postmarked within 30 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

Adopting Federal Rules by Reference - Whenever federal rules have been adopted by reference, the federal rule number has been noted in the citation. If information is needed regarding the Oregon standard, contact the OR-OSHA field office addressed at the top of the first page of this citation.

Posting on the Internet - Federal OSHA publishes information on all inspections 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 not sooner than 30 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.

If you would like to discuss this citation, call the OR-OSHA office in your area:

Portland (503) 229-5910
Eugene (541) 686-7562

Salem (503) 378-3274
Bend (541) 388-6066

Medford (541) 776-6030

Oregon OSHA

Oregon Department of Consumer & Business Services

Inspection Number: 317340412

Inspection Dates: 11/12/2013 - 02/05/2014

Issuance Date: 03/10/2014



Citation and Notification of Penalty

Optional Rpt Num: K3082-005-14

Company Name: WildCat Haven Inc

Inspection Site: 31369 NW Heater Rd, Sherwood, OR 97140

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

ORS 654.010: The employer did not furnish a place of employment which was safe and healthful for employees, did not furnish and use such devices and safeguards, and did not adopt and use such practices, means, methods, operations and processes as was reasonably necessary to render such employment and places of employment safe and healthful, and did not do every other thing reasonably necessary to protect the life, safety, and health of the employees:

On November 9, 2013, a keeper was fatally mauled by a cougar while working alone in an enclosure. It appeared that she attempted to lockout the cougars but was unsuccessful. She had worked alone at the sanctuary that entire day and the day before.

- a) The sanctuary violated its two-person safety procedure. Keepers worked at the sanctuary alone on a frequent basis while attempting to conduct the lockout procedure.
- b) The sanctuary violated its cougar lockout procedure. Keepers entered the cougar enclosures without properly locking all cats in lockout chambers. Thus, they were exposed to direct contact with the cougars.

Reference (1) - The Wildcat Haven Facility Plan of 2009 states the following in the Safe Handling Techniques and Practices Section. "Cougars require a minimum of two qualified staff members be present during any contact. Two qualified staff members shall work together during the lockout of dangerous animals. Once the animals are locked out, one staff member can safely enter the enclosure to clean or make repairs."

Reference (2) - The American Sanctuary Association Field Evaluation Criteria Checklist states that there shall be "adequate procedures for servicing enclosures without causing danger to the staff."

Date By Which Violation Must be Abated:	03/20/2014
Proposed Penalty:	\$ 2800.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Oregon OSHA

Oregon Department of Consumer & Business Services

Inspection Number: 317340412

Inspection Dates: 11/12/2013 - 02/05/2014

Issuance Date: 03/10/2014



Citation and Notification of Penalty

Optional Rpt Num: K3082-005-14

Company Name: WildCat Haven Inc

Inspection Site: 31369 NW Heater Rd, Sherwood, OR 97140

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

OAR 437-001-0760(1)(b)(C): The employer did not take all reasonable means to require employees to use all means and methods, including but not limited to ladders, scaffolds, guardrails, machine guards, safety belts and lifelines, that were necessary to safely accomplish all work where employees were exposed to a hazard:

The cougar enclosures had unsafe design features:

- a) A light-duty gate latch was installed on the door of the lockout chamber for the enclosure occupied by cougars Cody, Leo, and Cadan. This type of latch is designed for easy operating in backyard applications. These latches can fail to remain secured if they are not fully closed and can pop open inadvertently. These latches are not appropriate for securing dangerous cougars.
- b) In order to fully secure the latch on the lockout chamber for the enclosure occupied by cougars Leo, Cadan, and Cody, the keepers were required to enter the enclosure and attach a carabiner onto the latch's lock fitting. In doing so, the keepers were exposed to cougars who were housed in a lockout that was not fully secured.
- c) The enclosure occupied by cougars DJ and Kenewick (southwest corner of the facility) was poorly designed with no independent entry door. The design forced the keepers to walk through the adjacent enclosure to access the door to this enclosure. Thus, the cougars in both chambers had to be locked out in order to safely enter. Currently, there are five cougars in these two enclosures. This poor design exposed keepers to potential attacks by captive cougars while performing cleaning and sanitation of the enclosure.

THIS VIOLATION WAS COMPLIED WITH AT THE TIME OF INSPECTION.

Date By Which Violation Must be Abated:	11/22/2013
Proposed Penalty:	\$ 2800.00

TOTAL PROPOSED PENALTIES \$ 5,600.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

OREGON OSHA INSPECTION SUPPLEMENT



1. IMIS no.: 317340412 2. Opt rpt no.: K3082-005-14 3. Emp. no.: 1428192-000

4. Date: 11/12/13 Time on site: _____ Time out: _____ Travel time: _____
11/13/13 _____

5. Total inspection time: _____ 6. Legal entity: Corporation Partnership Sole

7. Legal name: Wild Cat Haven

8. DBA: _____ E-mail: _____

9. Phone: 503-685-0812 Cell/fax: _____

10. Site address: 31369 NW Healden, Sherwood

11. Mailing address: _____

12. Employed in establishment: 3 Covered by inspection: 3 Employed in Oregon: 3 13. Statewide average DART: EX

14. OSHA 300 Logs: year _____ year _____ year _____

H	I	H	I	H	I
<u>EXEMP</u>					

Hours worked each year: _____

DART rate: _____

Formula: $H + I \times 200,000 \div \text{hours worked} = \text{DART rate}$

15. Type of operation: Sanctuary 16. SIC: 742 17. NAICS: 541940

18. Management representatives:

Name	Title	Opening	Insp.	Closing
<u>Michael Tuller</u>	<u>Director</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. Employee representatives:

Name	Title	Opening	Insp.	Closing
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Photos taken: Yes No Video: Yes No Audio: _____ (# of tapes)

21. Workers' comp. insurance carrier: SATF LM CC Number: _____

22. Union name/address: _____

23. Does employer lease any employees? Yes No Leasing co. name: _____

24. Citation copies: _____

COMPLIANCE OFFICER: [Signature]

Print name

DATE: 11/12/13

02/19/14 RCUD OROSHA



Investigation Summary

Wed Jan 29, 2014 1:48pm

Reporting ID	Investigation Summary Number	OSHA-36 Number	OSHA-36 Establishment Name
1054111	202615191	101633204	WildCat Haven Inc
Event Date	11/09/13	Event Time	06:45 pm
Type of Event	Cougar Attack		

Inspection Number/ Establishment Name	317340412 WildCat Haven Inc
Injured/Deceased Name	Renee Radziwon Chapm
Sex:	F. Female
Age:	36
Injury:	A. Fatality
Nature:	21 Other
Part of Body:	13 Head
Source of Injury:	03 Animal/insect/bird/reptile/fish
Event Type:	03 Bite, sting or scratch
Environmental Factor:	18 Other
Human Factor:	13 Malfunction of procedure for lock out or tag out
Task:	A Regularly Assigned
Substance Code:	
Occupational Code	086 - VETERINARIANS

Abstract:

An animal keeper was fatally attacked by a cougar or cougars while attempting clean one of the cages at the wild animal sanctuary where she worked. She died on the scene prior to being found by a co-worker.

Wildcat Haven

K3082-005-14

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Accident Date: 11/9/13 at 4PM

Employer Knowledge: 11/9/13 at 5:30PM

Reported: 11/9/13 at 7:00PM

Open Conference: 11/12/13

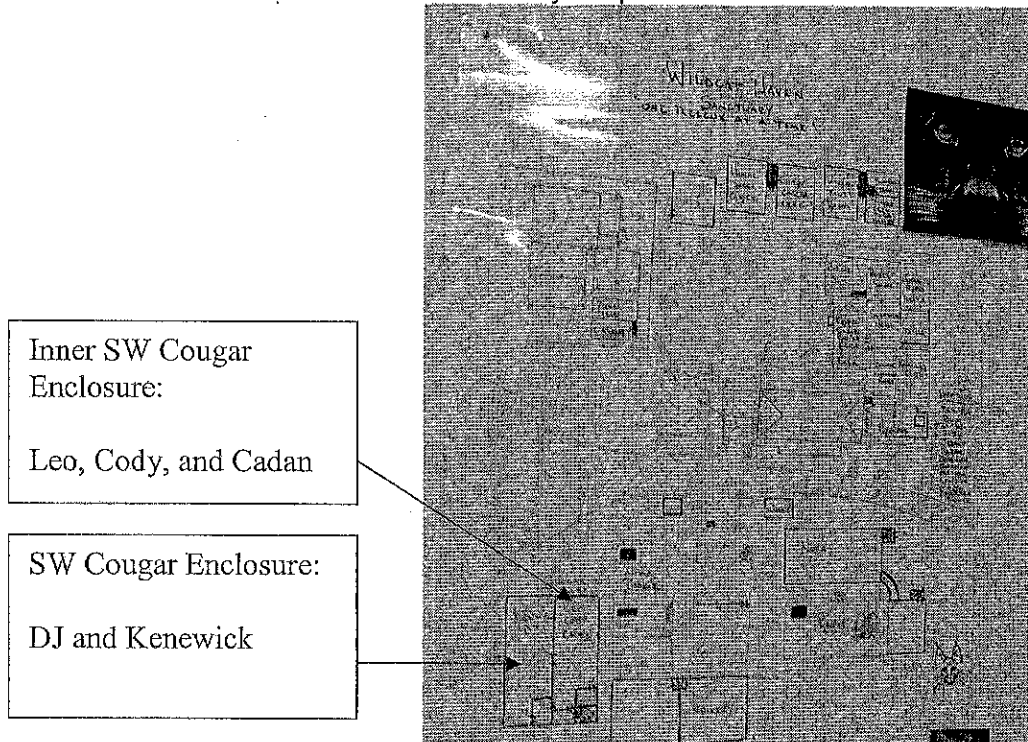
Address: 31369 NW Heater Road, Sherwood Oregon

Accident: A keeper at the wildlife sanctuary was mauled by a Cougar.

Sanctuary Background:

Wildcat Haven is a privately owned non-profit sanctuary for wild cats both small (Bobcats, Lynx, etc.) and large (Cougars and Tigers). The facility is home to approximately 65 cats and consists of 28 enclosures. The sanctuary was started about 10 years by foundation co-directors Michael and Cheryl Tuller. The facility is located on the land above and below their home.

Sanctuary Map:



What was the victim doing at the time of the incident? The victim was cleaning/maintaining a cougar enclosure.

wildcat Haven
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Accident Description:

Animal keeper, Renee Radziwon-Chapman, was fatally attacked by a cougar or cougars while attempting to enter and clean one of the enclosures at the sanctuary. She died on the scene prior to being found by director, Mike Tuller.

Renee worked alone at the sanctuary on Saturday 11/9/13. The directors Mike and Cheryl were both on out-of-town trips; Mike to Marion County and Cheryl to Minnesota. Sometime in the mid-afternoon she entered Leo, Cody, and Cadan's enclosure to do maintenance or cleaning. While inside the enclosure she was attacked and killed by one or more of the cougars. Cadan was closed inside the lock-out chamber and the other two cats were roaming free inside the enclosure. Michael Tuller came home just after dark (approximately 5:30PM) and found Renee inside the cage. He pulled her into the safety of the man-way, but she was already dead.

Interviews:

Michael Tuller – Foundation Director, First on Scene

Cheryl Tuller – Foundation Executive Director

Tim Adams – Fellow Keeper

Carol Radziwon – Mother

Aaron Chapman - Husband

Morgan Keniston – Former Volunteer and Board Member

Derik Vail - Former Volunteer and Board Member

Ken Hick – Director of the Foundation

Jeff McLennan – Medical Examiner

Tim Harrison – Advisor to Wildcat Haven

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AVD Item	Hazard	Rule No.	Probability & Justification	Severity & Justification	Base Penalty	C/W	Good Faith	Fine
1-1	<p>Procedures</p> <p>On 11-9-13 a keeper was fatally mauled by a cougar while working alone in an enclosure. It appeared that she attempted to lockout the cougars but was unsuccessful. She had worked alone at the sanctuary that entire day and the day before.</p> <p>a.) The sanctuary violated its two person safety procedure. There was inadequate staffing at the sanctuary to safely clean the enclosures. This staffing shortage resulted in keepers working at the sanctuary alone on a frequent basis while attempting to conduct the lockout procedure.</p> <p>b.) The sanctuary violated its cougar lockout procedure. Keepers entered the cougar enclosures without properly locking all cats in lockout chambers. Thus, they were exposed to direct contact with the cougars.</p> <p>Reference (1.) - The Wildcat Haven Facility Plan of 2009 states the following in the Safe Handling Techniques and Practices Section. "Cougars require a minimum of two qualified staff members be present during any contact. Two qualified staff members shall work together during the lock out of dangerous animals. Once the animals are locked out, one staff member can safely enter the enclosure to clean or make repairs."</p> <p>Reference (2.) - The American Sanctuary Association Field Evaluation Criteria Checklist states that there shall be "adequate procedures for servicing enclosures without causing danger to the staff".</p>	OAR 654.010	H - Direct contact was a regular occurrence. Cages were entered to clean every other day. Keeper worked 8 hour shift. Facility was short on help.	D - Animal attack, fatal bites.	\$7,000 (-) %60 = \$2,800	No Reduct.	No Reduct.	No Reduct.
1-2	<p>Equipment</p> <p>The cougar enclosures had unsafe design features.</p> <p>a.) In order to fully secure the latch on the lockout chamber for the enclosure occupied by cougars Leo, Cadan, and Cody, the keeper was required to enter the enclosure and attach a carabiner onto the latch's lock fitting. In doing so, the keepers were exposed to cougars who were housed in a lockout that was not fully secured.</p> <p>b.) The enclosure occupied by cougars DJ and Kenewick (southwest corner of the facility) was poorly designed with no independent entry door. The keepers had to walk through the adjacent enclosure to access the door to this enclosure. Thus, the cougars in both chamber had to be locked out in order to safely enter. Currently, there are five cougars in these two enclosures. This poor design made cleaning a very time consuming task and added to the challenges of the under staffed keeping crew. It compelled the keepers to violate the lockout policy.</p> <p>c.) A substandard gate latch was installed on the door of the lockout chamber for the enclosure occupied cougars Cody, Leo, and Cadan. This type of latch is designed for easy operating in backyard applications. These latches can fail to remain secured if they are not fully closed and can pop open inadvertently. These latches are not appropriate for securing dangerous cougars.</p>	Means and Methods 437-1-760(1)(b)(C)	H - Direct contact was a regular occurrence. Cages were entered to clean every other day. Keeper worked 8 hour shift. Facility was short on help.	D - Animal attack, fatal bites.	\$7,000 (-) %60 = \$2,800	No Reduct.	No Reduct.	No Reduct.

Wildcat Haven
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Medical Examiners Conclusions:

Severe facial trauma, consistent with mauling. Top of the victim's head was avulsed.

Employer Knowledge:

The Wildcat Haven Facility Plan of 2009 states the following in the "Safe Handling Techniques and Practices" section. "Cougars require a minimum of two qualified staff members be present during any contact. Two qualified staff members shall work together during the lockout of dangerous animals. Once the animals are locked out, one staff member can safely enter the enclosure to clean or make repairs."

The victim was the only one scheduled to work on both Friday 11/8/13 and Saturday 11/9/13 – alone. The other keepers at the facility were all out of town, Michael, Cheryl, and Tim. There are 28 enclosures and they all need to be cleaned every other day. There was no way for Renee to complete the work on those two days without working alone.

Renee had spoken to owner Cheryl Tuller on numerous occasions just prior to the attack about the need for more help (cell phone text messages).

Working alone was regular occurrence.

Root Causes:

- The keeper entered the enclosure without properly locking out the cats.
- The keeper worked alone.

Secondary Causes:

- Wildcat Haven had outgrown its current location. There was not enough space and the incline of the land made it hard to build enclosures. The current enclosures were cramped for space. To solve this problem they had purchased a new larger piece of land in Marion County and were building a new sanctuary.
- The owners were focused on building the new facility in Marion County and were placing much of their time and attention on that project.
- A light-duty substandard gate latch was installed on the door of the lockout chamber for the enclosure occupied by cougars Cody, Leo, and Cadan. This type of latch is designed for easy operating in backyard applications. These latches can fail to remain secured if they are not fully closed and

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can pop open inadvertently. These latches are not appropriate for securing dangerous cougars.

- In order to fully secure the latch on the lockout chamber for Leo, Cadan, and Cody's enclosure, the keeper was required to enter the enclosure and attach a carabiner onto the latch's lock fitting (referred to as the "carabiner shuttle procedure"). In doing so, the keepers were exposed to cougars who were housed in a lockout that was not fully secured.
- The enclosure occupied by cougars DJ and Kenewick was poorly designed with no independent entry door. The keepers had to walk through the adjacent enclosure to access the door to this enclosure. Thus, the cougars in both chambers had to be locked out in order to safely enter. Currently, there are five cougars in these two enclosures. This poor design made cleaning a very time consuming task and added to the challenges of the under staffed keeping crew. It compelled the keepers to violate the lockout policy.

Conclusion and Incident Theory:

The sanctuary violated its safety procedures of locking out the cougars and working in teams. The cougar enclosures had unsafe design features and inadequate equipment was being used.

It is the inspector's opinion that there was not enough manpower at the sanctuary for it to operate safely. The inclined topography of the facility made building and working with the enclosures a challenge. As a result, keepers were putting themselves in direct contact with cougars.

Closing:

2/5/14

Wildcat Haven
A 5