

P.O. Box 1103 Sunbury, Ohio 43074 Office 740/965-9355 Fax 740/965-9366

June 20, 2002

Ms. Lisa Weekley Coulter
Attorney At Law
McNamara & McNamara
88 East Broad Street, Suite 1250
Columbus, Ohio 43215-3558

RE: Morgan Holgate v. Eichelberger Construction, Inc., et al
Civil Number: C2-1-312, USDC

Dear Ms. Coulter:

Regarding the above referenced case, I have reviewed materials and documents provided by your office. My preliminary opinion in this matter is based upon those materials, my experience, the current safety and health standards and industry practice.

MATERIALS REVIEWED

1. The complaint;
2. The answer of Eichelberger;
3. The post accident investigation conducted by Eichelberger;
4. The OSHA documents relating to citations issued to Eichelberger arising out of the accident of October 28, 1999;
5. The OSHA documents relating to citations issued to Demand arising out of the accident of October 28, 1999;
6. The depositions of Mike Smith, Mick Davies and Rusty Miller of Eichelberger;
7. The depositions of Bill Mihok and Seba Kittrell of Demand;
8. The deposition of Dave Pruett of Altell;
9. The deposition of plaintiff Morgan Holgate;

June 20, 2002

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10. The copies of reports of plaintiff's experts, Mr. Henry McGinnis and Mr. Ron Durgin;
11. The OSHA history of Eichelberger Construction, Inc. and Demand Construction, Inc.;
12. The OSHA Standards 29 CFR 1910 and 29 CFR 1926 and, Ohio Administrative Codes for all workshops and factories and construction; and,
13. The Subcontract Agreement #99277.161 between DCI and ECI.

FACTS:

Demand Construction, Inc. subcontracted the work of erecting the tower in Clairington, Ohio from Eichelberger Construction, Inc.

On the day of his accident, October 28, 1999, Mr. Morgan Holgate was an employee of Demand Construction, Inc. He was assigned to perform work at the telecommunications tower erection site at 46550 Kurtzman Road, Clairington, Ohio.

During the course of work at the site and while plumbing the guy tower stub, Mr. Holgate free climbed up the partially erected tower and disconnected the mobile crane hoist line rigging from the tower. While Mr. Holgate was free climbing down the tower, an improperly installed prefabricated guy grip (perform) allowed the attached guy wire to slip free causing approximately 100 feet of the tower to fall. Mr. Holgate jumped from the tower and was seriously injured.

Eichelberger Construction, Inc. provided supervision for the erection of the tower and ice bridge.

Demand Construction, Inc. provided labor, equipment and materials to erect the tower.

Demand Construction, Inc. agreed to perform all work in accordance with OSHA regulations and the ECI safety program.

Demand Construction, Inc. had a history of OSHA violations prior to performing work on the site in Clairington, Ohio.

Immediately prior to and at the time of Mr. Holgate's accident Demand Construction, Inc. was in violation of Section 5 (a) of the Williams Steiger

Occupational Safety and Health Act of 1970. (Public Law 91-596 as amended by Public Law 101-552.)

Demand Construction, Inc. was in violation of Section 4121:1-3-03(J)(1) of the Ohio Administrative Code.

CONCLUSIONS AND OPINIONS:

Based upon my training, education, and experience, and based upon my review of the materials supplied to me in this matter, it is my professional opinion, that on October 28, 1999 at the Altel tower erection site in Clairington, Ohio, Demand Construction, Inc. failed to provide employment and a place of employment for Mr. Morgan Holgate and other of its employees that was free from recognized hazards that were likely to cause death or serious physical injury.

Mr. Richard G. Holgate, president of Demand Construction, Inc., did not insure that his employees performed dangerous tower erection work at the site in accordance with OSHA regulations as agreed to in the subcontractor agreement.

Demand Construction, Inc. did not comply with OSHA regulation 29 CFR 1926.16 (c) in that Demand attempted to shift its responsibility for compliance with federal safety and health to Eichelberger Construction, Inc. This responsibility for complying with the applicable OSHA regulations was contained in the subcontractor agreement that was signed by Mr. Richard G. Holgate.

Demand Construction, Inc. therefore failed to comply with not only the fall protection regulations of 29 CFR 1926 (105)(a), for which it was cited by the United States Department Of Labor Occupational Safety and Health Administration, but also failed in its responsibilities to initiate and maintain a program that would insure that its employees would comply with the minimum federal safety and health standards. [29 CFR 1926.20 (b)(1)]

Demand Construction, Inc. failed in its responsibility by not assuring that its employees were trained to recognize and avoid the hazards of connecting a one-half inch (1/2") tower supporting guy wire to a five-eighth inch (5/8") preformed dead end. [29 CFR 1926.21(b)(2)]

June 20, 2002

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Further, I am of the opinion that the collapse of the tower during the plumbing phase of erection was a direct result of these failures for which Demand Construction, Inc had and failed to exercise control.

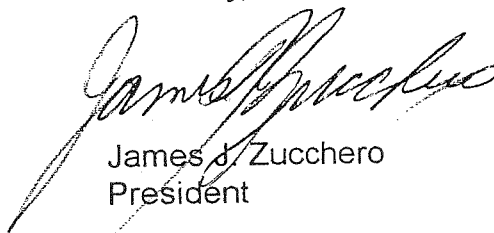
It is clear that Demand Construction, Inc. made no attempt to prevent Mr. Morgan Holgate from ascending the tower to disconnect the crane rigging at the tower until it was sure that this phase of erection could be performed safely without a substantial risk of injury.

The opinions contained in this report are based upon a reasonable degree of certainty and from the materials supplied to me in this matter.

I reserve the right to amend or change my opinions in the event additional information is received.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "James J. Zucchero".

James J. Zucchero
President

JJZ/alz

Law Offices

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COUNSEL

J. PAUL McNAMARA
(1908-1994)

June 21, 2002

RECEIVED

JUN 21 2002

William S. Friedlander
Attorney at Law
Friedlander & Friedlander, P.C.
425 Park Avenue
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Mr. J. Thomas Henretta
Attorney at Law
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Mr. Robert A. Flaughner
Mr. Joseph A. Gerling
Attorneys at Law
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175 S. Third Street
Columbus, OH 43215

Re: *Holgate v. Eichelberger Construction, et al.*
Case No. C-2-01-312, USDC

Miss
PS 30

Gentlemen:

Enclosed please find a copy of the expert report of James Zuccherro Associates, Inc. in connection with the above captioned action.

Respectfully,

Lisa Weekley Coulter
Lisa Weekley Coulter

LWC:dsc
Enclosure
File No. 2421

Curriculum Vitae

James J. Zuccherro

16181 East State Route 37
Sunbury, Ohio 43074
Phone (740) 965-9355
Fax (740) 965-9366

EMPLOYMENT HISTORY

1996-Present

James Zuccherro Associates, Inc.
President

President of an occupational safety and health consulting firm. Experienced in a wide range of occupational safety and health disciplines and specializing in OSHA and state site vulnerability audits, safety and health program development, occupational safety and health training, assisting employers in dealing with Federal and State regulatory agencies, accident and catastrophic accident investigation, assisting attorneys representing plaintiffs and defendants involving industrial and construction work site litigation, serving as an expert witness with regard to state and federal occupational safety and health applications to wrongful death, intentional tort, and Ohio VSSR claims arising from occupational exposures.

Accredited instructor for OSHA's voluntary protection programs in general industry and construction and as an authorized instructor for the Ohio Passport Construction Safety Training Program.

Guest lecturer for a number of groups of professional and nonprofessional safety and health associations and trade associations on fall protection, steel erection, machine guarding, confined space entry procedures, and compliance with OSHA regulations.

I provide occupational safety and health training services for employers and their employees in machine guarding and mechanical power press operations, trenching and excavation, competent person training, lockout/tagout operations, residential and commercial roofing safety, confined space entry, electrical safety-related work practices, fall protection, steel erection, scaffolding competent person training, residential fall protection for framers, siders, painters, gutter installers and the masonry trades as well as OSHA required training for general industry and construction clients.

James J. Zuccherro
Curriculum Vitae

I co-authored the OSHA Training Institute Machine Guarding Course for law enforcement officers and consultants.

I have trained Federal and State OSHA law enforcement officers in residential construction, steel erection and fall protection safety and standards application. I have trained OSHA compliance officers in electrical safety-related work practices and the application of OSHA standards.

Performed accompanied technical assistance inspections for the United States Department of Labor OSHA of maintenance operations on off shore oil drilling platforms in the Gulf of Mexico.

Performed accident investigation as an expert for the United States Department of Labor involving a scaffold failure and collapse which resulted in the deaths of three employees.

Working with clients I have written, permit and non-permit confined space entry programs and trained their employees in these procedures and confined space safety. I have written electrical safety-related work practices programs and trained employees in electrically related safety.

I have written safety and loss control programs for residential framing contractors and have authored fall protection plans for residential fall protection which has been accepted by OSHA as meeting the requirements of 29 CFR 1926.502 (k).

Acted as an expert for the United States Secretary of Labor in OSHA cases involving confined space entry, electrical safety-related work practices, machine guarding, and catastrophic scaffold failure.

1990-1996

United States Department of Labor, Occupational Safety and Health Administration
Toledo, Ohio Area Office, Assistant Area Director

Supervised two OSHA discrimination officers and 10 safety specialists, grades GS-9 through GS-12. Prioritized subordinates work activities and schedules to make maximum use of the compliance officers' time and their individual expertise. Reviewed compliance safety and health officers' case files to insure proper application of standards and penalties, as well as the reasonableness of their abatement dates and the legal sufficiency. Directed changes as appropriate and recommended area director approval on completed cases. Performed on-the-job evaluations of safety professionals (CSHO). Offered assistance in interpretation and problem solving, in the selection and scheduling of training as needed. Assisted in and conducted investigations of fatalities and catastrophes for the area office, the region, and at the direction of the National office.

James J. Zuccherro
Curriculum Vitae

Provided technical assistance and expertise to the area director on complex issues of law enforcement and area office operations. Reviewed abatement plans and recommended necessary action to the area director. Served as expert witness in hearings and participated in informal settlement conferences. Assisted the Occupational Safety and Health Administration solicitors in the preparation of applications and Inspection Warrants and secured warrants from local federal magistrates.

Interviewed prospective employees to determine their qualifications to meet the needs of the agency. Heard and resolved employee complaints and referred problems which were unresolved at the first step to the area director.

Represented OSHA at meetings of employers and labor organizations, trade associations, and other parties interested in safety and health issues and explained to employers and employees their rights and responsibilities under the OSHA Act. Assisted in Voluntary Compliance Programs and informed the public in standard changes and new directions in the field of safety and occupational health.

Acted as supervisor team leader and conducted inspections of a most difficult and complex nature. Also, as team leader responded to catastrophic incidents involving very large multi-employer worksites while establishing and directing operations from temporary field offices containing both compliance and clerical staff members. Provided technical assistance to other area offices and regional offices in the investigation of explosion accidents and coordinated with other federal, local, and state authorities the safe investigations of hazardous conditions on the worksite. Coordinated with other law enforcement officials in potential civil and criminal case file development.

Served as the area director in his absence. Performed all duties required of the area director including the supervision of all employees, conducting informal conferences, settlement conferences, and speeches to local safety and health professionals and nonprofessionals.

I worked closely with staff members of OSHA Area, Regional and National offices, the OSHA Training Institute, the OSHA Health Response Team, the Bureau of Alcohol, Tobacco and Firearms, and the American Pyrotechnic Association in the development and implementation of the local and national special emphasis program on fireworks manufacturing and the training of the compliance and consulting staff and pyrotechnic manufacturers.

I also worked closely with the Ohio area directors, supervisors and compliance staff in the planning, development, training, administration, and outreach programs of the Ohio Fall Protection Special Emphasis Program. I was a fall protection specialist and a State of Ohio coordinator for the Ohio Special Emphasis Fall Protection Program and managed the Ohio Steel Erection Fall

James J. Zuccherro
Curriculum Vitae

Protection Partnership Program between steel erection contractors, the ironworkers, and OSHA. I provided outreach programs for electrical safety-related work practices to the public and private sector. I was the author and state coordinator for the Ohio Power Line Contact Special Emphasis Program.

I have presented a significant number of speeches and outreach programs on general, specific, and technical subjects. I have also participated in the planning and implementation of the Toledo, Ohio Safety Day each year from 1992 through 1996 and the All Ohio Safety Congress in 1979.

1977-1989

United States Department of Labor, Occupational Safety and Health Administration
Cincinnati, Ohio Area Office, Senior Compliance Officer

Conducted inspections in all types of business establishments whose operations were characterized by high-risk processes and technically difficult problems. This included a review of records and identification of safety and health hazards on the job; setting up with employers and employees the time table for abatement of hazardous conditions; consulting with employers on correct method of abatement and training employers and employees in hazard recognition and standards interpretation; researching and writing citations for alleged violations; proposing and adjusting of penalties for said violations; attending employer and employee conferences and hearings; litigation of contested cases. Preparation of these cases required communicating both orally and in writing with employers and employee representatives, supervisors, and solicitors. Answering written and oral inquiries concerning all areas of safety and health, the Act and Standards.

The training in and use of somewhat specialized and technical instruments, such as, but not limited to, sound pressure level meters and calibrators, sampling pumps for detecting toxic agents, ground loop impedance detectors, field biomedical probes, circuit testers, voltmeters, volt OHM meters, air pressure gauges, cameras, respirators, and self contained breathing apparatus, calipers, micrometers and special purpose gauges.

Acted as collateral duty safety officer for the Cincinnati Area OSHA Office. Was the designated representative to the Federal Safety and Health Council of Cincinnati. Coordinated with representatives of other agencies (Department of Defense, Corp of Engineers, Mine Safety Administration) in resolving disputes of a jurisdictional nature.

Acted as technical specialist for the Oklahoma City, Oklahoma Area Office during the Aerlex, Inc. explosion in Jennings, Oklahoma (June 1985) and in the Cleveland, Ohio, Area Office during the explosion in Youngstown, Ohio (May 1985).

James J. Zuccherro
Curriculum Vitae

Provided training and technical assistance to the San Francisco, California Regional office of OSHA during the Fireworks Special Explosions Program inspections in the State of California in 1988.

1974-1977

State of Ohio Department of Industrial Relations
Federally Deputized OSHA Compliance Officer

Inspected work environments for compliance with the Williams-Steiger Occupational Safety and Health Act of 1970. Reviewed records, identified safety and health hazards, reviewed employers' and employees' rights and responsibilities under the law. Prepared citations and penalties for violations. Assisted U.S. solicitors in the preparation and formal hearing of OSHA contested cases; assisted the area director in informal conferences, trained personnel (OSHA Compliance Officers) in the recognition of hazards associated with machine guarding and electricity.

1972-1974

Western Electric Company, Columbus, Ohio
Safety Director and Machine Operator

Safety Director

Co-Chairman Joint Safety and Health Committee. Administered a total safety program for the local union (on and off the job safety.) Trained and supervised a staff of safety specialists in hazard recognition, accident investigation and corrective action to be taken. Kept injury and illness records for the union and filed reports with government agencies as needed. Acted as advisor to the union president on matters of safety and health which may be the subject of information or formal hearings with management, the international office, or the government. Seventy-five percent of time spent in these duties. Safety Director and Safety Committee Chairman for a six thousand member local Union in Columbus, Ohio at the Western Electric Works. The investigation of industrial injuries and illnesses, plant inspection, accident investigation, and writing their reports. Co-operating with company safety specialist, engineers, and others to resolve hazardous situations.

Machine Operator

25% of time spent on these duties

Operated and adjusted a series of inter-related machines to produce melded wire spring relay parts for the telecommunications industry. Maintained quality and production records. Conferred with engineers, supervisors and others to determine causes of recurring defects, Twenty-five percent of the time spent in these duties. Automatic weld and form line operator. This job required the employee to read and apply a complicated inter-relationship of interdependent information as obtained from layouts, specifications and associated information in order to set up equipment and meet requirements. Setup on machinery required actions such as setting up the loading, lifting, clipping, progressive and resistance welding, contact sizing, forming and serrating, tension bending, swaging, scratch brushing, blanking, forming and performing, horizontal and vertical forming, solder-dip tinning, tension bending, and unloading positions.

Tried out new, changed or improved manufacturing methods and tools and furnished information to functional personnel concerning performance and acceptability. Maintained production records and records of precious metal tape used.

1961-1972

Western Electric Company, Columbus, Ohio
Inline Machine Operator

Instructed operators and assigned work in use for a series of interrelated machines such as high-speed automatic molding and forming machines. Scheduled production and maintained records on quality and safe operation. Responsible for training 15 operators in production and safety practices. Used specialized instruments such as electronic measurement devices, Vernier Calipers, etc. Determined reasons for losses to the company resulting from tool and machine damage. Conferred with engineers, supervisors, and others to determine causes of recurring defects.

Required the setup of a series of complex interrelated machines which operate either automatically or individually to produce finished parts for telephone switching equipment. Checked quality and maintained records of safety checks, problems with raw materials, product quality, and production. Checked equipment and operators for safe operation. Setup, maintained, and operated molding, forming, shearing, bending, coining, setting, blanking, and drawing operations on mechanical, hydraulic, and pneumatic presses and machines sizes 5 ton to 1800 ton as well as some custom designed and highly specialized equipment such as Thermex (dielectric pre-heaters) special ultrasonic, solder wave, and wire drawing machines. Major equipment worked on, included but was not limited to, Stokes, VanDorn, Hannifan, Williams, White, Reed Prentice) New Britain, HPM,

James J. Zuccherro
Curriculum Vitae

Dennison, Egan, Dreibert, Hall, Logan, Cincinnati, Niagara, Minster, Verson, Bliss, Toledo, Federal, Duvall, Rockwell, Hills, Do-all, Brown and Sharp, Panborn, Bench Master, Tishken, and Kent and Porter.

1960

City of Columbus, Division of Engineering
Light Equipment Operator

Operated heavy trucks, front-end loaders, street flushes, and street sweepers in all areas of the city. Activities included street cleaning, transport and material handling, and snow removal was performed during the winter months.

1957-1960

United States Army
Scout Squad Leader and Chief Radar Operator

Acted as a supervisor for 11 enlisted men performing short and long range scouting and reconnaissance for forward elements of an armored division. Work assignments included the use of concealment and escape and evasion tactics and the use of special weapons, explosives, ground surveillance, and detection radar systems and countermeasures equipment and the selection, setup, and supervision of radar site operations.

EDUCATION

OSHA Training Institute Cleveland, Ohio
Telecommunications tower erection and maintenance safety training, 2001

State of Ohio Bureau of Workers Compensation, Columbus, Ohio
Ergonomics Applied, 2001

State of Ohio Bureau of Workers Compensation, Columbus, Ohio
Accident Analysis I and Accident Analysis II, 2001

State of Ohio Bureau of Workers Compensation, Columbus, Ohio
Confines Space Assessment and Work, 2000

OSHA Training Institute, Des Plaines, Illinois
Update Training for General Industry Outreach Trainers, 2000

James J. Zuccherro
Curriculum Vitae

OSHA Training Institute, Des Plaines, Illinois
Update Training for Construction Industry Outreach Trainers, 1999

Builders Exchange of Central Ohio, Columbus, Ohio
Respiratory Protection, the OSHA Standard, 1998

Builders Exchange of Central Ohio (3 M Company), Columbus, Ohio
Respiratory Instructor Training, 1998

State of Ohio Bureau of Workers' Compensation, Columbus, Ohio
Respirator Fit Test Training, 1998

OSHA Training Institute, Des Plaines, Illinois
Voluntary Safety and Health Programs General Industry Trainer, 1996

OSHA Training Institute, Des Plaines, Illinois
Voluntary Safety and Health Programs Construction Trainer, 1995

OSHA Training Institute, Strongsville, Ohio
Respiratory Protection, 1995

OSHA Training Institute, Columbus, Ohio
Safety and Health Program Evaluation, 1995

Office of Management and Budget, Washington, D.C.,
NCR Computer Operation Training, 1995

OSHA Training Institute, Des Plaines, Illinois
Fall Protection for Construction, 1994

OSHA Training Institute, Des Plaines, Illinois
Focused Construction Inspections, 1994

United States Department of Labor Federal Employees Compensation Act,
Toledo, Ohio, 1992

United States Department of Labor Human Side of Management,
Chicago, Illinois 1992

Office of Personnel Management Executive Development Seminar,
Oak Ridge, Tennessee 1992

University of Toledo, Toledo, Ohio
Applied DOS, 1991

James J. Zuccherro
Curriculum Vitae

University of Findlay, Findlay, Ohio
Hazardous Materials Management, 1991

U.S. Office of Personnel Management, Chicago, Illinois
Supervisory Skills, 1991

University of Toledo, Toledo, Ohio
Wordperfect 5.0, 1990

U.S. Office of Personnel Management, Chicago, Illinois
Labor Management and Employee Relations, 1990
Solving Performance and Conduct Problems, 1987

OSHA Training Institute, Des Plaines, Illinois
Principles of Ergonomics, 1987

OSHA Training Institute Electrical Hazard Recognition, 1986
Fireworks Manufacturing, 1985

National Fire Academy, Columbus, Ohio
Fire/Arson Investigation, 1985

OSHA Training Institute, Muskegon Community College, Muskegon, Michigan
Applied Foundry Principles, 1985

U.S. Office of Personnel Management, Chicago, Illinois
Writing Analytical Reports, 1985

OSHA Training Institute, Downers Grove, Illinois
Applied Welding Principles, 1984

U.S. Office of Personnel Management, Denver, Colorado
Applied Supervision, 1984

OSHA Training Institute, Des Plaines, Illinois
Principles of Occupational Safety and Health Management, 1984

Crane Certification and Inspection Bureau, Las Vegas, Nevada
5th Annual Crane Conference, 1983

OSHA Training Institute, Des Plaines, Illinois
Introduction to Industrial Hygiene for Safety Officers, 1983

Warren County Joint Vocational School District, Lebanon, Ohio
Drafting and Design, 1982

James J. Zuccherio
Curriculum Vitae

Warren County Joint Vocational School District, Lebanon, Ohio
Basic Electricity, 1982

OSHA Training Institute, Laborers International Union Training Center,
Bloomington, Indiana
Excavation, Trenching, and Soil Mechanics for CSHOs, 1982

University of Cincinnati, Cincinnati, Ohio
Industrial Noise Control Engineering, 1981

Crane Certification and Inspection Bureau, Orlando, Florida
Excavation, Trenching and Shoring, 1980

Crane Certification and Inspection Bureau, Las Vegas, Nevada
1st Annual Crane Conference, 1979

Crane Certification and Inspection Bureau, Orlando, Florida
Mobile Crane Safety, 1978

Crane Certification and Inspection Bureau, Denver, Colorado
Rigging Considerations Safety, 1978
Overhead and Gantry Crane Safety, 1978

Society of Die Casting Engineers, Dayton, Ohio
Casting Machine Safety, 1978

OSHA Training Institute, Des Plaines, Illinois
Crane Safety and Material Handling and Storage, 1978

OSHA Training Institute, Des Plaines, Illinois
Hazardous Materials and Compressed Gases, 1978

Safety and Industrial Net Company, Columbus, Ohio
Inspection and Safety of Nets, 1976

Campbell Chain Company, Columbus, Ohio
Chain Sling Inspection and Safety, 1976

Patent Scaffolding Company, Columbus, Ohio
Scaffolding Safety, 1976

OSHA Training Institute, Cincinnati, Ohio
Power Press Safety, 1976

The American Society of Safety Engineers, Columbus, Ohio
Industrial Safety, 1976

James J. Zuccherro
Curriculum Vitae

- Ohio State University, Columbus, Ohio
OSHA Hazard Recognition, 1975
- OSHA Training Institute, Des Plaines, Illinois,
Construction Training for Compliance Officers, 1975
- OSHA Training Institute, Rosemont, Illinois
Occupational Injury Investigation, 1975
- OSHA Training Institute, Rosemont, Illinois
Machine Guarding for Compliance Officers, 1975
- OSHA Training Institute, Rosemont, Illinois
Electrical Training for Compliance Officers, 1974
- OSHA Training Institute, Rosemont, Illinois
Initial OSHA Compliance Officers Training, 1974
- Kenyon College, Gambier, Ohio
Employees Rights Under OSHA, 1973
- International Correspondence Schools, Scranton, PA
Civil Engineering, 1972
- North American School of Conservation, Newport, California
Advanced Wildlife Management, 1968
- North American School of Conservation, Newport, California
Wildlife Management, 1967
- Columbus Technical Institute, Columbus, Ohio
Electrical Engineering Technology, 1961
- 7th Army Quartermaster Signal School, Lingrese, West Germany
Ground detection and surveying radar operations, 1958
- 7th Army Engineer-Ordinance School, Murnau, West Germany
Demolitions, Mines, Booby Traps Training, 1958
- Holy Rosary High School, Columbus, Ohio
Graduated 1956

AWARDS

Life member of the National Registry of Who's Who, 2000

Assistant Secretary's Team Impact Award OSHA, Joseph A. Dear, Assistant Secretary of Labor, June 1996

Distinguished Performance Award from OSHA Region VI, Gilbert L. Saulter, Regional Administrator, March 1986

Award for meritorious achievement from the United States Department of Labor, William E. Brock, Secretary of Labor, March 1986
Certificate of Merit, Greater Cincinnati Federal Executive Board and Federal Business Association, June 1986

Special Act Award, USDOL, October 1986

USDOL OSHA Sustained Superior Performance Award, October 1986

USDOL OSHA Outstanding Performance Award, 1982, 1984, 1993, 1996

Award of Commendation, National Safety Council, September 1975

ASSOCIATIONS

American Society of Safety Engineers

Chamber of Commerce

Builders Exchange of Central Ohio

National Fire Prevention Association

COMMITTEES

National Fire Protection Association Committee on Pyrotechnics (NFPA) 1124

Chairman, Machine Shop Section, State of Ohio Safety Congress, 1979

TEACHING EXPERIENCE

- 2001 Trained clients in general industry and construction OSHA 10 and 30-hour outreach programs.
- 2001 Re-wrote the curriculum for the machine safeguarding course-204 for federal and state law enforcement officers and consultants for the OSHA Training Institute.
- 2001 Presented telecommunications tower erection safety training for tower owners, erectors and suppliers in conjunction with the National Association of Tower Erectors (NATE) and the Occupational Safety and Health Administration.
- 2001 Trained clients in confined space entry, lockout/tagout, and electrical safety-related work practices.
- 2001 Trained federal and state law enforcement officers and consultants in machine safeguarding hazard recognition, analysis and control at the OSHA Training Institute.
- 2001 Trained federal and state law enforcement officers and consultants in residential construction safety, steel erection, construction cranes and rigging procedures, and fall protection and fall protection plans at the OSHA Training Institute.
- 2000 Trained clients in confined space entry, lockout/tagout, and electrical safety-related work practices.
- 2000 Trained clients as competent persons in scaffolding safety.
- 2000 Trained State of Florida officials in construction inspection procedures and OSHA policy for the OSHA Training Institute.
- 2000 Trained federal and state law enforcement officers and consultants in residential construction safety, steel erection, and fall protection and fall protection plans at the OSHA Training Institute.
- 2000 Trained clients in construction fall protection and fall protection plans.
- 2000 Trained clients in general industry and construction OSHA 10 and 30 hour outreach programs.
- 1999 Trained several hundred qualified and unqualified employees in electrical safety-related work practices.
- 1999 Trained competent persons in scaffolding safety.

James J. Zuccherro
Curriculum Vitae

1994 Training federal law enforcement officers in construction fall protection requirements of OSHA Subpart M Standard. US Department of Labor OSHA Training Institute, Des Plaines, Illinois.

1994 through 1996

Speaker at more than 100 training programs and seminars for fall protection in the construction industry.

1980 through 1997

I have trained several thousand employees and employers in fall prevention and protection, scaffolding safety, trenching and excavation safety, machine guarding, power press safety, lockout/tagout, confined space entry, safety and health management, compliance with OSHA regulations and OSHA certified 10 and 30 hour outreach programs for general industry and construction and the Ohio Passport Safety Training Program.

I have trained hundreds of federal and state law enforcement officers and consultants in fall prevention and protection, hazard recognition and control in the pyrotechnics industry and on a large diversity of machine safeguarding issues.

1987

1988

1991 & 1996

US Department of labor Occupational Safety and Health Administration training of federal and State of Ohio safety and health professionals in excavation. Local 18 Safety and Operating Engineers Center, Waterville, Ohio.

1986 Curriculum Development and training of federal and state law enforcement officers from the 50 states in pyrotechnics and explosive manufacturing, transportation and storage safety and health inspection, fatality and catastrophic accident investigation techniques.

1985 Training of the US Department of Labor Occupational Safety and Health Administration Region V Compliance and management staff in recognition and control of safety and health hazards in the manufacturing, transportation, storage and use of fireworks and pyrotechnics

1984 United Auto Workers International. Safe operation of mechanical power presses, Sandusky, Ohio.

1984 Training of federal and State of Ohio safety professionals in mobile crane and rigging safety, Local 18 Operating Engineers Training Center, Clermont County, Ohio.

1983 Training of federal and state safety professionals in excavation safety, Local 18 Operating Engineers Training Center, Clermont County, Ohio.

James J. Zuccherro
Curriculum Vitae

- 1983 Plumbers and Fitters International Union. Instructor for the Joint Apprentices Training Program in hazard recognition in the construction industry, Cincinnati, Ohio.
- 1982 Training of the US Department of labor Occupational Safety and Health Administration Region V Compliance and management staff in recognition and control of hazards in mechanical power presses and metal stamping operations.
- 1980 United Steel Workers of America Safety and Health Council. Accident prevention and control in metal stamping operations, Washington, D. C.

STRENGTHS

I have over 25 years experience in recognizing and resolving Occupational Safety and Health hazards on construction sites and in general industry many which were very large with complex manufacturing processes safety and health issues. I have conducted over 2000 inspections and audits of occupational hazards. I have conducted or been directly involved in 1200 accident investigations which were classified as serious or resulted in fatality. Those investigations ranged from complex chemical process plants to catastrophic incidents where 21 employees were killed. This work requires a very high degree of investigatory and analytical skills and report writing abilities.

I have experience in resolving complex safety issues in the design and installation of fall protection systems and plans in the construction industry and machine safeguarding in the metal stamping, plastic molding, paper manufacturing industries and the die casting industry. I have been qualified as an expert in machine safeguarding by the Occupational Safety and Health Review Commission. I have experience in resolving complex confined space entry issues and electrical safety-related work practices programs and training.

- 1998 & 1999 Trained clients in general industry and construction OSHA 10 and 30 hour outreach programs.
- 1998 & 1999 Trained federal and state law enforcement officers and consultants in residential construction safety, steel erection and fall protection and fall protection plans.
- 1998 Trained competent persons in excavation and trenching safety.
- 1998, 1999, 2000 & 2001 Trained clients in residential construction safety, fall protection and fall protection plans.
- 1998 Trained clients in permit and non-permit confined space entry procedures.
- 1997 Trained demolition contractors in OSHA demolition standards, the safety and health hazards and control measures of demolition work in steel mills.
- 1997 Trained representatives of ready mix concrete firms in confined space entry hazards.
- 1997 Trained several hundred residential construction employers and employees in fall prevention and protection.
- 1996 Trained representatives of employers and labor representatives in the steel erection and residential building industry on fall protection.
- 1995 & 1996 Speaker on fall protection in the construction industry. State of Ohio Safety Congress.
- 1995 US Department of labor Occupational Safety and Health Administration training of federal and State of Ohio safety and health professionals in mobile crane and rigging safety. Local 18 Safety and Operating Engineers Training Center, Waterville, Ohio.
- 1994 Trained federal and state law enforcement officers from Illinois, Wisconsin, Kansas, and Ohio in fall protection methods and techniques applied to the steel erection industry.
- While at the OSHA Training Institute, I developed a training video for 100% fall protection during the erection of pre-engineered structural steel buildings.