

RONALD BONFILIO,

1110 6th ST NW  
Washington, DC 20001

5184235461

Plaintiff,

v.

OCCUPATIONAL SAFETY & HEALTH  
ADMINISTRATION,

200 Constitution Avenue, NW  
Room N3647  
Washington, DC 20210

c/o  
Office of the Solicitor of Labor  
U.S. Department of Labor  
200 Constitution Avenue, N.W., Room S-2002  
Washington, DC 20210

Defendant.

Case: 1:17-cv-00282 (F-Deck)  
Assigned To : Cooper, Christopher R.  
Assign. Date : 2/14/2017  
Description: Pro Se Gen. Civil

### COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records, concerning Reported Death of employees, visitors, contractors or others on the grounds or work sites of Fort Myer Construction Corporation Anchor Construction Corporation Capitol Paving of DC Civil Construction LLC, which defendant has improperly withheld from plaintiff.
2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).
3. Plaintiff, Ronald Bonfilio, is a Researcher and requester of the records which defendant is now withholding. Plaintiff has requested this information for use in a Court Case, now on APPEAL and prompt release of the information is requested. It is necessary to preserve the records of these deaths, which are vital evidence concerning the alleged racketeering and violent criminal acts of these companies. It appears some records may have already been destroyed. Timely release of these records is in pursuant to Federal Rules of Civil Procedures 27)( b).
4. Defendant Occupational Safety & Health Administration is an agency of the United States and has possession of the documents that plaintiff seeks.

Case 1:17-cv-00282-CRC Document 1-1 Filed 07/12/17 Page 2 of 3  
5. In two separate emails to FOIA Requests dated July 12, 2016, plaintiff requested access to documents concerning Deaths (email 1) and Injuries (email 2) of employees, visitors, contractors or others on the grounds or work sites of Fort Myer Construction Corporation Anchor Construction Corporation Capitol Paving of DC Civil Construction LLC. A copy of these emails are attached as Exhibit 1.

6. By letter dated August 10, 2016, plaintiff was denied access to the requested information on the grounds that Documents concerning DEATHS did not exist (Exhibit2) it and later sent a redacted CD dated September 2, 2016 concerning INJURIES (F2016-810159)were exempt from disclosure under Exemption, U.S.C. § 552(b): (5) , (6), (7)(C) and (7)(D). A copy of the contents of this CD is attached as Exhibit 3.

7. By letter dated September 17, 2016, plaintiff appealed the denial of this request. Solicitor General Office received the letter October 3, 2016A copy of this letter and Postal Delivery Green Card is attached as Exhibit 4.

8. More than 90 days has passed and Plaintiff's appeal was not responded to by the Office of the Solicitor of Labor, which stated they had no time estimate when a response would be made

9. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

WHEREFORE, plaintiff requests this Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award plaintiff costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

  
Ronald Bonfilio, Pro Se

1110 6<sup>th</sup> St. NW  
Washington, DC 20001  
Telephone 518 423 5461  
Email, ronjoebon@gmail.com

Dated: February 14, 2016

I hereby certify that mailed on the 13<sup>th</sup> day of February, 2017 a copy of the foregoing Complaint for Injunctive Relief, to:

The Solicitor General for the Department of Labor  
Office of the Solicitor of Labor  
U.S. Department of Labor  
200 Constitution Avenue, N.W., Room S-2002  
Washington, DC 20210

The United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

United States Attorney for the District of Columbia  
Judiciary Center Building  
555 Fourth Street, NW  
Washington, DC 20530.



Ronald Bonfilio

**EXHIBIT 1**

**FOIA REQUESTS TO OSHA: JULY 22, 2016**

REQUEST

**Miller, Darlene - SOL**

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**From:** Ron Bonfillo <ronjoebon@gmail.com>  
**Sent:** Friday, July 22, 2016 2:36 PM  
**To:** FOIARequests  
**Cc:** Janack, Nadira - OSHA  
**Subject:** Fwd: New FOIA Request modification of FOIA 774714 Our new reference FOIA OSHA 5

This new FOIA is 1 of 2 new FOIA requests related to the research of FOIA 774714

1. Would you provide documents at OSHA concerning any DEATHS of their employees or an persons on their property of the following companies since the year 2001:

Fort Myer Construction Company, 2237 33rd Street, NE. Washington, DC 20018  
Anchor Construction Company 2254 25th Place NE Washington, DC 20018  
Capitol Paving of DC 2211 Channing St. NE Washington DC 20018  
Civil Construction LLC, 4520 Fort Totten Dr NE. Washington, DC And 2413 Schuster  
Dr Hyattsville, MD.

This information had been asked for in FOIA 774714 but is separately asked for in this FOIA request.

Sincerely

Ronald Bonfillo Tel 518 423 5461 ronjoebon@gmail.com  
1110 6<sup>th</sup> ST. NW

DC 20001

REQUEST

**Miller, Darlene - SOL**

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**From:** Ron Bonfillo <ronjoebon@gmail.com>  
**Sent:** Friday, July 22, 2016 2:34 PM  
**To:** FOIARequests  
**Cc:** Janack, Nadira - OSHA  
**Subject:** Fwd: New FOIA Request modification of FOIA 774714 Our new reference FOIA OSHA 6

This new FOIA is 2 of 2 new FOIA requests related to the research of FOIA 774714

1. Would you provide documents at OSHA concerning any INJURIES of their employees or an persons on their property of the following companies since the year 2001:

Fort Myer Construction Company,	2237 33rd Street, NE. Washington, DC 20018
Anchor Construction Company	2254 25th Place NE Washington, DC 20018
Capitol Paving of DC	2211 Channing St. NE Washington DC 20018
Civil Construction LLC, Dr Hyattsville, MD.	4520 Fort Totten Dr NE. Washington, DC And 2413 Schuster

This information had been asked for in FOIA 774714 but is separately asked for in this FOIA request.

Sincerely

Ronald Bonfillo Tel 518 423 5461 ronjoebon@gmail.com  
1110 6<sup>th</sup> ST. NW

DC 20001

**EXHIBIT 2**

**FOIA RESPONSE TO REQUEST TO OSHA: JULY 22, 2016**

**CONCERNING DEATHS**

8/26/2016

Re: FW: FW: #810159 Deaths of "other persons" not stated. Needs to be addressed. - ronjoebon@gmail.com - Gmail

2 of 2



U.S. Department of Labor

Occupational Safety and Health Administration  
1099 Winterson Road, Suite 140  
Linthicum, MD 21090  
(410) 865-2055 (Phone) (410) 856-2068 (Fax)  
Visit the OSHA Home Page at: <http://www.osha.gov>

August 10, 2016

Ronald Bonfilio  
1110 6<sup>th</sup> St. N.W.  
Washington, DC 20001

Re: FOIA-F2016-810159

Dear Mr. Bonfilio:

This is in response to your July 22, 2016, Freedom of Information Act request for OSHA records regarding:

Any deaths of their employees or any persons on their property of the following companies since the year 2001:

- Fort Myer Construction Company, 2237 33rd St. N.E. Washington, DC 20018
- Anchor Construction Company, 2254 25th Place N.E. Washington, DC 20018
- Capitol Paving of DC 2211, Channing St. N.E. Washington DC 20018
- Civil Construction LLC, 4520 Fort Totten Dr. N.E. Washington, DC and  
2413 Schuster Dr., Hyattsville, MD

Please be advised that, based on the information you provided to us, we did not locate any activity for the above-referenced involving deaths of employees. Additionally, you have already been provided information for Ft. Myer Construction Company and Anchor Construction Company per your previous FOIA request.

For your own information, you can search the OSHA database by logging on to [www.osha.gov](http://www.osha.gov). Under the Statistics section, click on "Inspection Data" and then on "Establishment Search" to access our agency's records on companies inspected, citations issued, and fines assessed. Also available on our website is the latest information on OSHA's regulations, policies and publications.

You have the option of resubmitting your request and providing more information regarding the incident. You may also file an appeal of this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statement or arguments. To facilitate processing, you may wish to fax your appeal to: (202) 693-5538. The appeal should include a copy of your initial request and a copy of this letter. The appeal must be addressed to: Solicitor of Labor, U.S. Department of Labor, Rm. N-2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210. If mailed, both the envelope and the letter of appeal itself should be clearly marked: "Freedom of Information Act Appeal."

Sincerely,

Nadira Janack  
Area Director



**EXHIBIT 3**

**FOIA RESPONSE TO REQUEST TO OSHA: JULY 22, 2016**

**CONCERNING INJURIES**

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Baltimore-Washington Area Office  
1099 Winterson Road, Suite 140  
Linthicum, MD 21090  
Phone: (410) 865-2055 Fax: (410) 865-2068



September 2, 2016

Ronald Bonfilio  
1110 6<sup>th</sup> St. N.W.  
Washington, DC 20001

Re: FOIA F2016 - 810159

Dear Mr. Bonfilio:

Attached please find a CD containing redacted documents and photos in response to your July 22, 2016 for information pertaining to any and all INJURIES at the following locations since 2001:

Fort Myer Construction Company, 2237 33rd St. N.E., Washington, DC 20018  
Anchor Construction Company, 2254 25th Place N.E., Washington, DC 20018  
Capitol Paving of DC 2211, Channing St. N.E., Washington, DC 20018  
Civil Construction LLC, 4520 Fort Totten Dr. N.E., Washington, DC and  
2413 Schuster Dr., Hyattsville, MD

Deletions have been made to protect information exempt from public disclosure as prescribed by the Freedom of Information Act (Title 5, United States Code, Section 552). Where deletions were made, the appropriate FOIA exemptions are indicated and for your convenience a general description of these exemptions are explained.

"You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal should also include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, Room N-2420, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Alternatively, you may email your appeal to [foiaappeal@dol.gov](mailto:foiaappeal@dol.gov), or fax your appeal to (202) 693-5538. The envelope (if mailed), cover email (if emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: "Freedom of Information Act Appeal."

In addition, to filing an Appeal, you may contact the Office of Government Information Services (OGIS) or the Department's FOIA Public Liaison, Thomas G. Hicks, Sr. at (202) 693-5427 or [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov) for assistance in resolving disputes. The Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a **non-exclusive** alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways to inquiry about their FOIA mediation services:

Office of Government Information Services  
 National Archives and Records Administration  
 8601 Adelphi Road – OGIS  
 College Park, MD 20740-6001  
 Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
 Web: <https://ogis.archives.gov>  
 Telephone: (202) 741-5770  
 Fax: (202) 741-5769  
 Toll-free: 1-877-684-6448

It is also important to note that the services offered by OGIS, is not an alternative to filing an administrative FOIA appeal.

The Freedom of Information Act allows the government to charge for the costs involved in providing these records. The FOIA fees incurred for your request are: Failure to pay will result in a denial of any further requests for OSHA records.

Administrative Search (\$5 per quarter hour)	\$25.00
Professional Search (\$10 per quarter hour)	\$0.00
Review Time (\$5 per quarter hour)	\$40.00
Copying Costs (\$0.15 per page)(First 100 pages free)	\$0.00
CDs/DVDs/Photographs (actual costs)	\$1.50
Mailing (in excess of \$1.00)	\$1.15
<b>TOTAL AMOUNT DUE</b>	<b>\$67.65</b>

Please send your check or money order, payable to the Treasury of the United States, to this office for the total amount due.

If you have any questions, please contact this office at 410-865-2055 or (fax) 410-865-2068.

Sincerely,



*for* Nadira Janack  
 Area Director

Enclosures

**Exemptions Explanations**

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**Exemption 5** – Inter-agency or intra-agency memorandum or letters only available by av to a party in litigation with OSHA.

**Exemption 6** – Personnel, medical and similar files which would constitute a clearly unwarranted invasion of personal privacy.

**Exemption 7(c)** – Could reasonably be expected to constitute an unwarranted invasion of personal privacy.

**Exemption 7(d)** – Could reasonably be expected to disclose the identity of a confidential source.



**U.S. Department of Labor - Occupational Safety and Health Administration**

**Inspection Report**

Mon Nov 18, 2013 08:50:17 AM

RID	OSHA ID	Supervisor ID	Inspection Number	Optional Report Number	Case Closed Date
0316100			923909		

Establishment Name	Fort Myer Construction Corporation		Doing Business As (DBA)		
Type of Business	Corporation		Primary NAICS	237310	
Site Address	2237 33rd. St., NW WASHINGTON, DC, 20018	Site Phone	(202)-636-9636	Extn	
				Site FAX	(202)-269-2243
Business Address	2237 33rd. St., NW WASHINGTON, DC, 20018	Business Phone	(202)-636-9636		Business FAX
					202-269-2243
Mailing Address	2237 33rd. St., NW WASHINGTON, DC, 20018	E-mail			Mobile Phone
Site Activity	Equipment Repair	NAICS Inspected	237310		Days on Site
					1
Federal EIN		DUNS			Temporary or Fixed Site?
					Fixed Site

Entry	30-JUL-2013	02:30 PM	First Closing Conference	31-JUL-2013	04:15 AM
Opening Conference	30-JUL-2013	02:45 PM	Second Closing Conference		
Walkaround	30-JUL-2013	02:45 PM	Exit	31-JUL-2013	04:30 PM

Inspection Initiating Type	Referral	Secondary Type	
Other Initiating Type		Inspection Category	Safety
Scope of Inspection	Partial	Reason No Inspection	
Sampling Performed?	N	SVEP	N
		ExpIn for No Insp	
Federal Strategic Initiatives	AMPUTATIONS, HISPANIC		
National Emphasis	AMPUTATE		
Local Emphasis			
Primary Emphasis			

Employed in Establishment	(b) (5)	Walkaround?	Y	Advance Notice?	N
Covered By Inspection		Interviewed?	Y	Flag for Follow-up	N
Controlled By Employer		Union?	N	Reason for Follow-up	

Related Activity			
Activity Number	Activity Type	Satisfied	Establishment Name
836036	Referral		Fort Myer Construction

Related Inspections	
Inspection Number	Establishment Name

Page 2  
 Fort Myer Construction Corporation

Mon Nov 18, 2013 08:50:17 AM  
 Inspection Nr. 923909

Additional Codes			
Type	ID	Value	Description

Employer Representatives Contacted				
First Name	Last Name	Job Title	Participation	Interviewed?
[REDACTED]				

Penalty Adjustment Factors					
Size Reduction	0%	Good Faith Reduction	0%	History Reduction	0%
Size Justification	System, set it to 0% Number of Employees was changed	Good Faith Justification		History Justification	

CSHO Signature	[REDACTED]	Date	11/18/2013
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**SAFETY NARRATIVE**

Inspection Number	923909
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**COVERAGE INFORMATION: Company hires workers in Maryland and Virginia.**

**NATURE AND SCOPE**

Check Applicable Boxes and Explain Findings:

Complaint Items

Referral Items

Allegations

1. A company maintenance mechanic was injured when the wire rope that was part of a cable-pulling machine crushed his finger when his finger was caught between the wire rope and a pulley.

Findings: Substantiated. No citations issued due to unforeseeable intervening event.

Accident Investigation Summary & Findings

LEP

Planned Inspection

Follow-up Inspection

**NATURE AND SCOPE – UNUSUAL CIRCUMSTANCES (Mark X and explain all the apply:)**

None

Denial of entry (see denial memo)

Delays in conducting the inspection

Strikes

Jurisdictional Issues

Trade Secrets

Other

Comments: None.



**OPENING CONFERENCE NOTES:**

This CSHO was contacted in the field by AAD Straka. According to the AAD, [REDACTED] had had his fingers crushed while making a repair to the wire rope belonging to line pulling/tensioning machine. The accident occurred at the company's main office, storage and staging facilities located in the outskirts of the city. This company performs paving and heavy civil construction projects many of which are performed for the District of Columbia. The CSHO arrived at the yard and held his Opening conference with the company's safety manager. He then visited the equipment involved in the incident and interviewed several workers that were either involved with the actual occurrence itself, or had been using the equipment in the field immediately before it was brought back to the yard for repair.

The machine that was the subject of this investigation was an underground cable puller manufactured by TSE International, Inc. of Shreveport, Louisiana, and is mounted upon a small trailer which is intended to be pulled behind a truck. The cable puller is intended to feed 3/8 in. wire rope through electrical conduit (previously buried under ground) which is then attached to electrical cable that is then retrieved through the conduit. To get the wire rope down through the conduit from the cable puller, the wire rope, which is stored on a large spool that is part of the cable puller, is attached to a mouse which is blown (by means of pneumatic pressure) down through the conduit. Once the mouse reaches the end of the conduit, the wire rope is then removed from the mouse and attached to the electrical cable. The cable is then drawn or pulled back through the buried conduit back towards the pulling machine.

According to several of the crew members, the cable puller was being used in the field when the spliced eye at the end of the wire rope started to unravel. The cable puller was returned to the yard where the end of the cable would be cut off and then a new eye would be woven and tucked by hand. When the cable puller arrived at the yard, it was taken to the maintenance shop where the exposed employee (hereafter to be referred to as the "EE" [REDACTED]) examined the problem. The EE, along with a co-worker started the machine and the co-worker engaged the machine (from its control board) to let cable off of the spool. Once the controls are engaged, the wire rope must be manually pulled off of the spool. The EE reported that he was able to pull approximately 18 in. of cable away from the machine before he inspected the damaged eye. The EE then reported that the wire rope quickly and unexpectedly pulled back into the machine, so quickly, in fact, that he was unable to remove his hand from the rope. As a consequence of the unexpected reversal, the EE's hand got caught between the wire rope and a pulley sheave that the wire rope passed through when returning into the machine. He then instructed the worker at the controls of the machine to pay the wire rope out. Once an adequate amount of line paid out from the machine, the EE extricated his gloved hand which was now severely damaged with two of his fingers being crushed and one being nearly amputated.

The CSHO contacted the machine's manufacturer so he might see if any part of the operation of the machine may have caused the unexpected retrieval of the wire rope. The CSHO described the conditions he observed after the incident and told the manufacturer's representative of the statements he'd received from the company's workers. According to the manufacturer, a joy stick control mounted on the machine's main control panel controls both the removal of the wire rope from the spool and its retrieval. The manufacturer explained that normally once the joy stick is in the "pay out" position, and then released by the operator, it will not spring back or return to its center or neutral location on its own but will remain in the open or "pay out" position. When in the payout position, as little as 1 lbs. of force will allow the wire rope to be removed from the machine with ease. In order to retrieve the wire rope into the machine, the joy stick must be moved in the opposite direction, however, when in the retrieve

mode, the machine will disengage if the joy stick is released for any reason.

The CSHO interviewed the EE.'s co-worker who told the CSHO that he had been operating the machine in the field for some time and was completely familiar with its operation and that he had not caused the machine to pull the wire rope back into the spool. Regardless of the co-worker's statement, from the EE.'s account of the incident, the CSHO is left to conclude that this accident was caused by anticipatable operator error or some sort of unanticipated malfunction of the machine. This second proposition appears less likely considering the manufacturers description of the machines normal functions and operation. Given the foregoing, the CSHO does not believe that the available evidence will justify the issuance of citations to the employer for the event appears unforeseeable having resulted for intervening activity the employer would not reasonably been expected to anticipate.

**RECORDKEEPING PROGRAMS**  
(Other than 29 CFR 1904 requirements)

Does the employer have a record keeping program relating to any occupational health issues (monitoring, medical, training, respirator fit tests, ventilation measurements, etc.)?

Yes      x No

Are any programs required by OSHA health standards?

Yes      x No

**COMPLIANCE PROGRAMS**  
(engineering controls, PPE, regulated areas, emergency procedures, compliance plans, etc.)

Address any relevant compliance efforts regarding potential health hazards covered by the scope of inspection.

**PERSONAL HYGIENE FACILITIES AND PRACTICES**  
(showers, lockers, change rooms, etc.)

Are any required by OSHA health standards?

Yes      x No

What Standards:

**HAZARD COMMUNICATION PROGRAM**

Written Program (complete)

X Yes      No

MSDS's (all)

X Yes      No

Labeling (adequate)

X Yes       No  
Training:(complete)

X Yes       No

Copy of MSDS's/Program attached

Yes      x No

Comments: None.

**ACCESS TO EXPOSURE & MEDICAL RECORDS: N/a**

**FIRE PROTECTION AND EVACUATION PROCEDURES: Yes**

**SYSTEMS SAFETY AND EMERGENCY RESPONSE: N/a**

**RESPIRATOR PROGRAM: N/a**

**LOCKOUT TAGOUT / ELECTRICAL SAFE WORKPRACTICES: N/a**

**FIRST AID: Yes**

**ELECTRICAL SAFE WORKPRACTICES: N/a**

**EXPOSURE CONTROL PLAN: N/a**

**LABORATORY STANDARD: N/a**

**ERGONOMIC PROBLEMS:**

Yes      x No

If yes, complete items 1 and 2 below.

1. Lifting (10% or more similarly exposed employees injured)

a. Total # of employees exposed to job:

b. Total # of cases for job:

2. CTD's (10% or more similarly exposed employees have CTD's; 5% or more CTS cases)

a. Total # of employees exposed to job:

b. Total # of cases for job:

Other significant injury/illness trends

Yes      x No

If yes, explain:

**EVALUATION OF EMPLOYER'S OVERALL SAFETY AND HEALTH PROGRAM**

General Industry:

X Yes       No      Employer has a Safety & Health Program

X Yes       No      Written

Yes      x No      Copy Attached

Construction Industry:

Yes       No      Accident Prevention Program

Yes       No      Written

Yes       No      Copy Attached

**Evaluation of Safety and Health Program**

(0=Nonexistent 1=Inadequate 2=Average 3=Above average)

- 2 Written S&H Program
- 2 Communication to Employees
- 2 Enforcement
- 2 Safety Training Program
- 2 Health Training Program
- N/a Accident Investigation Performed
- 2 Preventive Action Taken

Comments: Gloves were provided and both the operator and the maintenance mechanic were trained in the safe use and operation of the cable puller.

**CLOSING CONFERENCE NOTES:**

Were any unusual circumstances encountered such as, but not limited to, abatement problems, expected

contest and/or negative employer attitude? If yes, explain below:


Yes      x No

19. Closing Conference Checklist ("x" as appropriate)

- No Violations Observed
- Gave Copy Employer Rights
- Reviewed Hazards and Standards
- Discuss Employer Rights/Obligations
- Encouraged Informal Conference
- Offered Abatement Assistance
- Discussed Consultation Programs
- Employer/Employee Questionnaires

**Closing Conference held with Employee Representative**

Jointly       Separately

		<b>FINAL</b>	
Activity Number: 836036		Establishment/DBA Name: Fort Myer Construction	
		RID: 0316100	
<b>Establishment Information</b>			
<b>Establishment Information</b>			
Establishment Name: Fort Myer Construction		Establishment DBA:	
Ownership: Private Sector		Establishment ID: 1015441208	
Type of Business: Corporation		Primary NAICS: 237310 - Highway, Street, and Bridge Construction	
↗ Injury/Traces			
<b>Business Address</b>			
Street Address 1: 2237 33rd St NE		County: DISTRICT OF COLUMBIA	
Street Address 2:		Zip Code: 20018	
Country: UNITED STATES OF AMERICA		E-mail Address:	
State: DISTRICT OF COLUMBIA		Phone Number:	
City: WASHINGTON		Fax:	
<b>Mailing Address</b>			
Street Address 1: 2237 33rd St NE		City: WASHINGTON	
Street Address 2:		County: DISTRICT OF COLUMBIA	
Country: UNITED STATES OF AMERICA		Zip Code: 20018	
State: DISTRICT OF COLUMBIA			
<b>Site Address</b>			
Street Address 1: 2237 33rd St NE		Phone Number:	
Street Address 2:		Phone Number Extn:	
City: WASHINGTON		Fax:	
State: DISTRICT OF COLUMBIA		Number of Employees:	
County: DISTRICT OF COLUMBIA			
Zip Code: 20018			
<b>Management/Business Type</b>			
Management Official First Name: Jorge		Last Name: Borda	
Type of Business: Street/Highway Construction		Primary NAICS: 237310 - Highway, Street, and Bridge Construction	
Official Phone: 202-269-2243		Type of Site Activity:	
Official Phone Extension:			
<b>Receipt Information</b>			
<b>Receipt Information</b>			
Received By: (b) (7)		Receipt Phone Type:	
Receipt Date: 07/30/2013		Receipt Time: 12:00 PM	
		Activity Referral Type:	
		Formality:	
<b>Complaint / Referral - Subject / Severity</b>			
Discrimination: No			
<b>Safety</b>			
Imminent No Danger:		Serious: Yes      Other: No	
<b>Health</b>			
Imminent No Danger:		Serious: No      Other: No	

Hazard Description And Location: Employee amputated fingers while performing PM on equipment.	
No. of Alleged Hazards:	No. Employees Exposed (Removed from Alleged Hazard):
<b>Source Information</b>	
<b>Source : 1</b>	
Source Type: Consultation	Phone Number:
Prefix:	Phone Number Extn:
First Name: (b) (7) (C)	Fax Number:
Last Name: (b) (7) (C)	Reveal Source Name: No
Suffix:	Organization Name: Consultation
Job Title:	Organization Title:
E-mail Address:	Bought To Attention of:
CSHO ID:	Name Of The Govt Agency:
CSHO First Name:	Street Address 1:
CSHO Last Name:	Street Address 2:
CSHO Job Title:	City: WASHINGTON
Date Separated:	State: DISTRICT OF COLUMBIA
Relationship:	Country: UNITED STATES OF AMERICA
Other:	Zip Code: 20013
<b>Assign/Transfer Information</b>	
<b>Assignment</b>	
Assigned CSHO's Login Name: (b) (7) (C)	Assigned Supervisor's Login Name: (b) (7) (C)
<b>Additional Fat Cat Information</b>	
<b>Classification</b>	
Classification:	Employer Report Date:
No. Hospitalized:	Employer Report Time:
No. Unaccounted For:	Event Date:
No. Fatalities:	Event Time:
No. Non-Hospitalized:	Incident Type:
<b>Do Inspection</b>	
Do Inspection?: No	Explanation:
Reason for No Inspection:	
<b>Complaint/ Referral Information</b>	
Close Yes	
Complaint/Referral?:	
<b>Complaint/Referral Action Source : 1</b>	
Action Date: 07/30/2013	
Action Type: Do Inspection = Y	
Reason for Inspection: Alleged Disabling Injury or Illness	
Inpection priority: High	
<b>Complaint/Referral Action Source : 2</b>	
Action Date: 07/30/2013	
Action Type: Valid = Y	
<b>Program Information</b>	

<b>National Emphasis Programs</b>			
AMPUTATE (REDUCING MACHINE HAZARDS LEADING TO AMPUTATIONS)			
<b>Local Emphasis Programs</b>			
<b>Federal Strategic Initiative :</b>			
AMPUTATIONS			
COMMERCIAL CONSTR			
ELECTRICAL			
POWERED IND VEHICLE			
STRUCK-BY			
Migrant Farm Worker No Camp:			
Additional Codes:	Type	Id	Value   Description





A MEMBER OF  
THE TIMBERLAND GROUP



#### QUICK ACCESS BAR

Transmission Line Pullers  
Transmission Tensioners  
Transmission Puller/Tensioners

#### POWER & UTILITIES

Transmission  
Distribution  
Stringing Blocks  
Underground  
Right-of-Way  
Stringing Accessories  
Surface Mining

#### MARINE

Deck Gear  
Ocean Science  
Fishing Equipment  
Propellers  
Workboats  
Cable Laying  
Dredging  
A-Frame

Hydraulic Power Unit - HPU

#### MINING

Mine Hoists & Winches  
Sheaves & Blocks  
Utility Vehicles  
Rope Tensioning  
Rebuilt Vehicles

#### OIL & GAS

Offshore Equipment  
ROV Handling  
Launch & Recovery - LARS  
Drilling/Service

## TSE Product Guide

For personal assistance, call 1-800-825-2402 or contact us here.

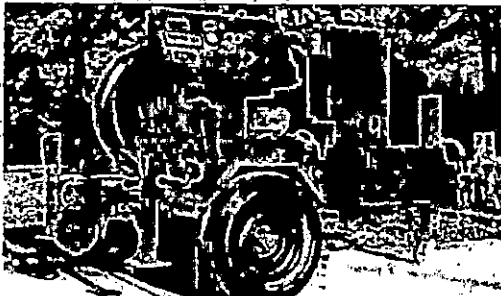
To request a quote on stringing blocks, traveling grounds and other tension stringing accessories, please log into our Online Store here.



Transmission  
Distribution  
Stringing Blocks  
Underground Equipment  
Right-of-Way  
Sewer & Sanitary Maintenance  
Surface Mining  
Pole Trailer

### Underground Equipment

#### UP70 - Underground Puller - 7,000 lbs. Line Pull



#### UP-70 Underground Puller

The TSE Model UP-70 Underground cable puller provides infinite speed control and precise tension and distance monitoring. The 8" bullwheels are powered by a hydrostatic drive with a variable displacement axial piston pump and a two speed hydraulic motor. The cable payout is on demand with the the bullwheel drive system feeding the pulling rope when any load in excess of 1 lb. is placed on the cable. This unique system allows the pulling rope to be blown directly into the duct.

In the high linepull range the unit has a continuous linepull of 7,000 lbs and a maximum speed of 100 fpm. In the high speed range the unit has a maximum continuous linepull of 3,500 lbs. and a maximum speed of 200 fpm. In either speed range the linespeed is infinitely variable from 0 to maximum. The speed control provides excellent inching capability throughout all line pull settings.

The storage reel will hold 2,700 ft. of 3/8 in. diameter steel pulling rope. A diamond lead screw automatic levelwind provides for even winding of the pulling rope onto the storage reel. The levelwind is driven from the storage reel and automatically traverses as the reel turns.

A dynamometer gauge is included calibrated in lbs. of linepull with an adjustable overload cut-off that will automatically stop the pull if the preset maximum line pull is reached. The unit is equipped with an emergency stop button and a 20 ft. long pendant cord. In the event the button is depressed all pulling will stop.

An 8 inch swivelling rear fairlead sheave is provided to guide the pulling rope into the machine. The sheave pivots through 360 degrees and has a locking screw to set it at any angle.

#### STANDARD FEATURES

- 7,000 lb. maximum linepull.
- 0-200 fpm maximum linespeed range.
- 8" bullwheels with 5 grooves.
- Reel capacity of 2,700 ft. of 3/8" wire rope.
- Rope payout on demand.
- Automatic leadscrew levelwind.
- Swivelling rear fairlead.
- Remote emergency stop button.
- Overload cut-off.
- Pivoting rear jib with multi-positional roller.
- Tool box.
- 27 hp water-cooled diesel engine on the UP-70.

#### OPTIONAL EQUIPMENT

000013

- Three head roller assembly for a larger bending radius.
- Hold down roller assembly with 4", 5" & 6" conduit
- adapters to prevent pulling the duct out of the ground.
- Chart recorder kit.

**EXHIBIT 4**

**FREEDOM OF INFORMATION ACT APPEAL**

**To Solicitor of Labor)**

**AND**

**Postal Delivery Green Card Confirmation**

## Freedom of Information Act Appeal

**Date:** September 17, 2016

**Reference:** FOIA F2016-810159

**Subject:** Reported and investigated deaths and injuries involving road construction companies in the District of Columbia

**To:** Solicitor of Labor

In accordance with Federal Statute 5 U.S.C. § 552 I am appealing the lack of relevant response to FOIA F2016-810159 which requested documents relating to any deaths or injuries associated with 4 construction companies in the District of Columbia since 2001. (*See attached FOIA requests pages*

### **A. Response to FOIA request for "Death Documents" (Attachment pages 1-2 )**

The attached FOIA request asks for documents on

"any deaths of their [the construction companies] employees or any persons on their property"

### **OSHA Response**

1. OSHA stated no documents were found of employees, and did not address the text of the FOIA request " or any persons".
2. It is inconceivable over a 15 year span , the 4 affiliated companies that have monopolized almost all road and bridge construction contracts in the District of Columbia did not experience one death.

### **Request to Solicitor**

I hereby request the Solicitor of Labor to compel OSHA to produce any and all documents related to the deaths of any employees or other persons associated with the 4 construction companies pursuant to FOIA F2016-810159:

Fort Myer Construction Company (Corporation)  
Anchor Construction Company (Corporation)  
Capitol Paving of DC  
Civil Construction LLC

**B. Response to FOIA request for "Injury Documents" (Attachment pages 3-24 )**

The attached FOIA request asks for documents on

"any injuries of their [the construction companies] employees or any persons on their property"

**OSHA Response**

OSHA supplied documents of one minor injury and 5 redacted pages.

According to Bureau of Labor Statistic Industry "TABLE 1. Incidence rates of nonfatal occupational injuries and illnesses by industry and case types, 2014", there were 3.8 recordable cases per 100 full time workers in 2014 (latest data available)

Over a 15 year span , the 4 affiliated companies that had almost all road and bridge construction contracts in the District of Columbia reported, with an estimated combined yearly labor force of at least 500 employees there would have been reported each year (3.8 x 5= 19 injuries/year) or each year ) and for the 15 years span However only 1 injury that was not subject to an exemption, was reported by OSHA for these companies.

<u>Attachment Page</u>	<u>Exemption Claimed</u>
page 20: 1 <sup>st</sup> full redacted page	(b) (5), (b) (7)(C)
page 21: 2 <sup>nd</sup> full redacted page	(b) (5)
page 22: 3 <sup>rd</sup> full redacted page	(b) (5), (b) (7)(C)
page 23: 4 <sup>th</sup> full redacted pages	(b) (7)(C), (b) (7)(D)
page 24: 5 <sup>th</sup> full redacted pages	(b) (7)(C), (b) (7)(D)

**Exemptions cited:**

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency

(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings,

(B) would deprive a person of a right to a fair trial or an impartial adjudication,

(C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

### **Complete Redaction of These Pages Not Justified**

It is not clear if the 5 redacted pages represent 1 or up to 5 documents. This should be clarified.

Two of the redacted pages cite an Exemption based on the disclosure of a confidential source. It is understood some text may be redacted, but the date on a document, the words death, injury and other text would not be expected to disclose a "confidential source", and other text in the documents likely would not meet the exemption standard.

Complete redaction of pages was unjustified and text needs not to be redacted and revealed.

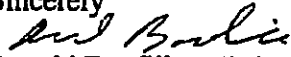
### **Request to Solicitor**

I hereby appeal to the Solicitor of Labor to compel OSHA , and request OSHA to produce any and all documents related to the injuries of any employees or other persons associated with the 4 construction companies pursuant to FOIA F2016-810159, and that all text (including dates, page numbers, type of injury, if injury later became a death), images, graphics, etc. :to be disclosed and released for

Fort Myer Construction Company (Corporation)  
Anchor Construction Company (Corporation)  
Capitol Paving of DC  
Civil Construction LLC

Furthermore: Only limited redacted text should appear in the response given by OSHA.

Sincerely

  
Ronald Bonfilio (Tel 518 423 5461), 1110 6<sup>th</sup> St, NW, Washington, DC 20001


### **Attachments**

August 22 OSHA Responses Deaths of Employees and others

September 2, OSHA responses Injuries

July 22 FOIA Request for Documents Concerning Deaths

July 22 FOIA Request for Documents Concerning Injuries

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY														
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Ansonia Fletcher</i> / <i>10/3/16</i></p>														
<p>1. Article Addressed to:</p> <p>SOLICITOR OF LABOR DOL Rm 2428 H 2000 C</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>														
 <p>9590 9402 1446 5329 8365 93</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery														
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<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														
<input type="checkbox"/> Mail Restricted Delivery															
<p>2. Article Number (Transfer from outside label)</p> <p>7015 0640 0001 6628 4231</p>	<p>(over 5000)</p>														

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt