

INSPECTION NARRATIVE

REPORTING DISTRICT:	White Plains District Office	
INSPECTION TYPE	ESTABLISHMENT NAME AND SITE ADDRESS	
<input type="checkbox"/> COMPLAINT	NYS Office of Parks, Recreation, and Historic Preservation Sterling Forest State Park 116 Old Forge Road Tuxedo Park, NY 10987	
<input checked="" type="checkbox"/> FATALITY		
<input type="checkbox"/> CATASTROPHE		
<input type="checkbox"/> PROGRAMMED		
<input type="checkbox"/> MONITORING		
FOLLOWUP	DATE(S) OF INSPECTION:	INSPECTION NUMBERS
REFERRAL	11/12/2024 11/19/2024 11/20/2024 12/05/2024 9/10/2025	INS # 1787397 UPA # 2232330 INV # 171760

PESH's Role Following a Workplace Death

A PESH fatality inspection is focused on determining if there were any violations of OSHA or New York State safety and health standards and/or the PESH Act codified within the New York State Labor Law. If PESH finds that an employer violated safety and health standards, PESH may issue a citation to the employer. A workplace fatality does not always result in the issuance of a citation. For issuance of a citation, PESH must demonstrate several elements:

1. It is required that there is violation of an applicable standard or provision of NYS Labor Law.
2. The employer failed to comply with the standard/provision and a hazard exists.
3. PESH is to demonstrate and document that an employee is exposed to a hazardous condition.
4. PESH is to determine whether the employer knew, or with the exercise of reasonable diligence could have known, of the presence of the hazardous condition.

All elements must be met to issue a citation. PESH will strive to understand the cause of the incident if connected to a failure to comply with health & safety standards, though this is not always successful. PESH's ultimate goal is to identify if there was a standard violated and to ensure that it is corrected quickly (or exposure stops) to prevent additional employee exposure. Fatality inspections are not focused on identifying blame. PESH's fatality inspections do not preclude any civil or criminal enforcement response or investigation nor do they preclude an employer from conducting its own internal investigation. PESH will not delay issuing an inspection based on the status of other independent reports. Additionally, PESH may only issue monetary penalties when an employer violates a standard and the employer has not corrected the violation by the time dictated in the PESH citation.

Summary

On 11/09/2024, a fatality inspection was initiated by the New York State (NYS) Department of Labor Public Employee Safety and Health (PESH) Bureau with the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) by Enforcement Case Coordinator Jennifer Puerner in response to information received from Erica Rossi, Regional Safety Manager, NYS OPRHP on 11/09/2024 at 5:45pm. The initial report stated an employee sustained fatal injuries while participating in wildland firefighting efforts at Sterling Forest State Park located at 116 Old Forge Road, Tuxedo Park, NY 10987. On 11/09/2024 the employer reported that part of a tree struck an employee when a tree was felled. The employer reported the work-related death of an employee within the eight hours required by New York State Labor Law. This inspection was performed under authority of NYS Labor Law Article 2, Section 27-a, "Public Employee Safety and Health Act".

Decedent Information

Decedent Name: [REDACTED]

Date of Birth: [REDACTED]

Age: [REDACTED]

Sex: Male

Decedent Job Title: Park & Recreation Aide 4

Initial Hire Date: 06/15/2024

Time in Current Position: Approximately 5 months

Job Description: [REDACTED] was hired as a Park and Recreation Aide 4 to perform work including, but not limited to grounds work, raking, mowing, string trimming, and clearing garbage at Bear Mountain State Park.

Working Assignment on Day of Incident: Volunteered to be a member of the New York State Office of Parks, Recreation, and Historic Preservation Wildland Firefighting Crew to perform work that included creating a fire line by raking leaves and clearing brush.

Date and Time of Incident: 11/09/2024 3:22pm

Date and Time of Death: 11/09/2024 6:00pm according to the death certificate

Nature of Injury: According to the Orange County Final Autopsy Report: OC24-852, [REDACTED] sustained blunt impacts to the head resulting from being struck by part of a tree.

Opening Conference

On 11/12/2024, Safety and Health Inspector Rochelle Watson held an opening conference at Bear Mountain State Park (where the decedent was normally assigned) on 11/12/2024, during which the PESH Act and scope and purpose of the inspection were discussed.

Employees who were working with the decedent are represented by Civil Service Employees Association (CSEA) – Local 105. Robin Hammond, CSEA Local 105 President attended the opening conference. The decedent was not represented by a union. Jane Meunier, Occupational Safety and Health Specialist (CSEA) and Ed Dunnigan, Acting Shop Steward (PEF) were contacted for the opening conference but

unable to participate. PEF represents employees at Bear Mountain State Park and Sterling Forest State Park but none of those employees were working with the decedent during the incident.

Present during the opening conference were:

Karine Montanye, NYS OPRHP, Director of Health and Safety 2 (By Telephone)
David Bourne, NYS OPRHP, Park Operations Manager 4
Erica Rossi, NYS OPRHP, Regional Safety Manager
Robin Hammond, CSEA Local 105 President
Rochelle Watson, NYS DOL PESH, Safety and Health Inspector

The following materials were explained to the participants during the opening conference:

- SH 909 – PESH Act
- 12NYCRR- Parts 801, 802, 803, 804, 805 and 820
- P906 – Employee Rights and Responsibilities
- P907 – Employer Rights and Responsibilities
- SH 904 – Closing Conference
- SH 900, 900.1, & 900.2 – Injury and Illness Recordkeeping
- P 206 – Consultation Assistance
- P208- Public Employee Safety & Health Protection Poster
- SH918 – Penalty Information for Public Employers
- SH976 – Hazard Communication
- 2706 – Right to Know poster
- P 20 – Workplace Violence Prevention

These materials may be accessed at: <https://dol.ny.gov/public-employee-safety-health>. “Public Employee Safety and Health Bureau Inspection Reference Material” website was given to the participants.

Walkaround Inspection

Since the wildland fire was still burning at the time of the opening conference, PESH was not able to conduct a walkaround inspection to examine the area of Sterling Forest State Park where the incident occurred due to safety concerns and deterioration of the scene related to the wildfire. Prior to the issuance of the report, on September 10, 2025, PESH conducted a walkaround inspection to examine the area where the incident occurred.

Present during the walkaround:

Michael Cahill, Supervising Park and Recreation Forest Ranger
Rochelle Watson, Safety & Health Inspector
Albert Cardinale, Safety & Health Inspector

Witness Interviews

Witness interviews are conducted and reviewed for the purpose of evaluating the employer's compliance with existing standards and other safety and health provisions under the PESH Act.

Safety and Health Inspector Rochelle Watson conducted interviews on 11/19/2024, 11/20/2024, and 12/05/2024 with employees who worked with [REDACTED] during the incident on 11/09/2024 (employees on Team 2). The witnesses were asked about the events leading up to the incident, the incident, and events following the incident. Witness interview statements are included in the case file. The inspector also received the witness depositions from the New York State Police.

Background

NYS OPRHP has a Statement of Policy titled "Fire Management in State Parks and State Historic Sites" dated November 6, 2007. This policy states that local fire departments, the NYS Department of Environmental Conservation, and NYS Parks respond to wildfires in New York. According to this document, the purpose of this policy is to establish a framework by which the employer may develop a fire management program on State Park lands. The policy states that fire management plans should be prepared for each facility (or group of facilities within a Parks region).

Wildfires are unplanned fires which are ignited from natural or human sources and are uncontrolled in at least the initial stages. National Fire Protection Association (NFPA) 1051 Standard for Wildland Firefighting Personnel Professional Qualifications, 2020 edition Section 3.3.20 defines fire suppression as "all of the work of confining and extinguishing wildland fires." Per this definition, the employees from NYS OPRHP involved in this incident were performing wildland fire suppression duties as creating fire lines and felling and bucking trees are part of wildland fire suppression.

On November 8, 2024, the Jennings Creek wildfire spread from New Jersey into New York, spreading into Sterling Forest State Park. Media reports stated the fire started in West Milford, Passaic County, New Jersey on November 6, 2024. There was a statewide burn ban in effect in New York from November 8, 2024, until November 30, 2024 due to dry conditions and an increased fire risk from the Jennings Creek wildfire.

The wildfire burned a total of 5,000 acres in New York and New Jersey. It was the largest wildfire to affect New York State since 2008. Forest Rangers from the NYS Department of Environmental Conservation led New York's multi-agency response to the wildfire. New York State deployed multi-agency resources to respond to the Jennings Creek wildfire in Orange and Ulster counties. On November 22, 2024, the wildfire was fully contained in New York, after 14 days of firefighting efforts.

According to W-underground, at the time of the incident, (approximately 3:22pm 11/09/2024) the temperature was 54-degrees Fahrenheit, with a north wind direction at a speed of 6 mph, and fair skies. The geographic coordinates of the incident location are 41.17953 degrees latitude and -74.31049 degrees longitude.

Sequence of Events

The following sequence of events is based on materials submitted to the inspector during the inspection, interviews conducted by PESH, and statements PESH received from the New York State Police.

David Bourne, Park Operations Manager 4 stated that on November 9, 2024 Michael Cahill, Park Ranger contacted Park Manager Robin Hammond to request employees from Bear Mountain State Park to voluntarily participate as paid employees to assist with the wildfire response. Hammond then surveyed Bear Mountain State Park employees and asked, "who wanted to assist with the wildfire response?" [REDACTED] and other Bear Mountain State Park employees stated they would participate.

Karine Montanye, Director of Health and Safety 2 stated that on November 9, 2024, NYS OPRHP employees from Lake Taghkanic State Park (Taconic Region) and Bear Mountain State Park (Palisades Region) volunteered to respond to the Jennings Creek fire and were assigned to the Parks Wildland Firefighting Team. Employees from these locations were assigned to work at Sterling Forest State Park, located at 116 Old Forge Road, Tuxedo, NY 10987 in Orange County. This was the first day NYS OPRHP employees were deployed to the wildfire.

Twenty-one NYS OPRHP Park & Recreation employees from both parks were deployed to Sterling Forest State Park. The shift for working at Sterling Forest State Park was planned from 10:00am until 8:00pm depending on progress and conditions of the wildfire. NYS OPRHP employees from Team 2 were assigned by Chris Rickard, Park Manager 2 to create a 4-to-5-foot-wide fire line in order to control the fire. The duties involved with creating a fire line include, but are not limited to: raking leaves, brush, and debris; blowing leaves; bucking trees on the ground and moving them away from the fire line; felling trees near the fire line; and controlled burns. The purpose of creating a fire line is to create a gap in vegetation by removing anything that could ignite to slow the spread of fire. Additionally, the team performed controlled burns, referred to as "torching" and/or "back burning".

Trees were felled on an as needed basis as determined by the sawyer Eric Justino, Assistant Park Manager. Any tree already on the ground or being felled, was to be moved from the path of the fire to an area where the fire would not spread (away from the fire line). The scope of the work did not include the transportation or physical removal of the trees from the work site, they were to be left for nature.

Park Ranger Cahill coordinated the employees from Lake Taghkanic State Park and Jeff McCloud, Regional Electrician coordinated the employees from Bear Mountain State Park. Interviews stated that 7 out the 8 members of Team 2 had responded to wildland fires with NYS OPRHP at least once in the last 10 years. At about 10:00am, Lake Taghkanic State Park and Bear Mountain State Park employees mustered at Sterling Forest State Park where Cahill and McCleod conducted a safety briefing. The safety briefing included weather conditions, personal protective equipment (PPE) to

wear as described in the employers PPE hazard assessment, types and layers of clothing to wear, and the day's operation (creating a fire line).

The safety briefing did not discuss hazards related to tree felling operations including but not limited to an established communication with all employees in the hazard zone, an established escape/exit route, and implementing protective measures for employees in the hazard zone. The safety briefing did not include information on hazards employees might encounter in their work environment, including but not limited to: burns and other heat-related injuries or illnesses; slips, trips, falls, strains, and sprains; and becoming trapped or injured by equipment, debris, fire, and/or smoke.

At about 11:30am, 21 NYS OPRHP employees were divided into two groups: Team 1, which headed south with 13 employees and Team 2, which headed north with 8 employees.

Chris Rickard, Park Manager 2, was the 'Squad Boss' for Team 2. Team 2 included the following members:

Lake Taghkanic State Park

- Chris Rickard, Park Manager 2: 'Squad Boss'
- Eric Justino, Assistant Park Manager: Sawyer, operated leaf blower, raked leaves and brush
- Dmitiri Benzinger, Park Supervisor 1: operated leaf blower, raked leaves and brush

Bear Mountain State Park

- Charles Egan, Park Worker 3: operated leaf blower, raked leaves and brush
- Rich O'Brian, Park Worker 3: operated leaf blower, raked leaves and brush
- Ronald 'Scott' Spidle, Park Ranger 1: operated leaf blower, raked leaves and brush
- William Phillips, Park & Recreation Aide 3: operated leaf blower, raked leaves and brush
- [REDACTED], Park & Recreation Aide 4: raked leaves and brush

According to the NYS Incident Report, "the injured Wildland Fire member was located along the fire line approximately 1 mile into the wooded area from the Lake To Lake Trail Parking Area." The general description of the terrain, as described by NYS Police, was of a wooded area, inaccessible to vehicles, in close proximity to an active fire.

Chris Rickard informed PESH that he held a safety briefing with the members on Team 2 and assigned duties to the crew. He said the safety briefing consisted of discussing the weather, wearing the correct PPE and the job tasks assigned to the employees on Team 2. Director of Health and Safety, Karine Montaye provided PESH a Personal Protective Equipment (PPE) hazard assessment for the wildland firefighting team which included wildland fire boots (boots must be leather, lace-up style, with a minimum 8-inch height and a lugged, melt-resistant sole), Nomex reflective jacket, Nomex flame resistance pants, wildland firefighting protective helmet. Eric Justino was the designated

sawyer. The sawyer fells and bucks dead trees that were on the fire line or in the path of the fire.

Prior to the incident, the members of Team 2 were performing duties to create the fire line, however, the fire was spreading closer than anticipated to the fire line that they were creating. At approximately 2:45pm members of Team 2 were directed to do a back burn by Rickard.

Justino, the sawyer, stated in an interview with PESH that there was a chestnut oak tree that was approximately 40 to 45 feet tall with an approximate diameter of 9 to 10 inches in the path of the fire line. Justino and Rickard both stated in interviews with PESH that the tree appeared decayed and rotted and had no bark. Justino stated that this tree had two branches and had a lean to the west. Justino stated the fall zone should be at least 2 tree lengths of the tree being felled, meaning that employees should be located a distance of at least 2 lengths of the tree being felled, as measured from the base of the tree. The Director of Health and Safety, Karine Montaye, stated during an interview with PESH that a fall zone should be 2.5 lengths of the tree being felled, as measured from the base of the tree. Per employee interviews, employees not involved in felling the tree stated they were supposed be located a distance of at least 2 times the height of the tree. Park Supervisor 1, Dmitri Benzinger, stated he instructed [REDACTED] and William Phillips to "back up" 1.5 tree lengths. The actual distances of employees from the tree being felled was not measured either before or after the incident, the estimated distances given were provided in employee interview statements.

In Rickard's State Police deposition, he stated that he was standing approximately 100 yards away from the sawyer, Eric Justino. Rickard stated that he saw Justino felling a tree and when the tree hit the ground a large three-foot "bone wood" (dry) "tomahawked" (was thrown) approximately 50 to 60 feet at a right angle towards crew members.

Employee interviews conducted by PESH established that the members of Team 2 were positioned in different locations. Justino was positioned north on the fire line in the area of the tree being felled. Charles Egan was positioned to the north of Justino. Rickard and Scott Spidle were south of the fire line. Benzinger, O'Brian, Phillips, and [REDACTED] were positioned southwest of the fire line. The drawings created by employees during their interviews with PESH depicted the locations where people were standing, Benzinger, O'Brian, Philips and [REDACTED] were positioned within 2-3 feet of each other. Due to the unsafe fire conditions at the site, neither the State Police nor the PESH inspector could access the scene to measure the distance from the tree which was felled to the place where [REDACTED] was found after being struck.

Justino stated in an interview with PESH, that immediately before the tree was felled, Justino called out twice, stating "Hey this tree is going to come down. Alright guys it's coming." Justino stated he used a Husqvarna 562 XP chain saw (Serial number 2014-2600479) to perform a notch cut on the front side (west side) of the base of the tree, then performed a back cut (plunge cut) on the east side. Justino stated the notch was

approximately 10% of the tree's width and at a 70-degree angle, which was designed to create a hinge. The tree fell in its intended fall path, toward the west.

Benzinger stated during an interview with PESH, that as the tree was falling, he dove out of the way to avoid being struck by tree material that reportedly "tomahawked" in the direction he was standing near [REDACTED] and Phillips.

During the felling operation, [REDACTED] was struck. Interviews by PESH and NY State Police indicated that the most likely sequence of events was that, during the felling operation, a length of wood was projected and "tomahawked" in the direction of members of the team, with the projectile passing two employees who moved from its path before it struck [REDACTED]. The tree felling operation that resulted in [REDACTED] being struck was the second tree that Team 2 felled that day.

There were no witnesses who directly observed [REDACTED] being struck nor were there witnesses who saw what struck [REDACTED], with those closest to the incident having dodged the projectile length of wood. Pictures provided by the State Police include a length of wood near [REDACTED]. Chris Rickards stated during an interview with PESH that the length of wood measured approximately 3 feet. Due to the unsafe fire conditions, the PESH inspector could not access the site to measure the part of a tree believed to be the projectile.

According to employee interviews with PESH, [REDACTED] was found face down and employees moved him to his back to start CPR. According to the State Police report, Team 2 members started CPR on [REDACTED] at approximately 03:15pm and continued for approximately one hour. At the time of the incident, the State Police were already in the area directing traffic for the wildfire when the call came in at 03:25pm. According to the NYS Police Incident Report, State Police arrived at the Command Post at 03:50pm. At approximately 04:41pm the State Police entered the woods and arrived at the incident site at 04:50pm, which was approximately 1 hour and 35 minutes after CPR began. By this time CPR efforts had terminated. At 05:00pm the State Police took photographs of the scene.

Medical emergency responders were not able to access the incident site. The NYS Police Incident Report stated due to [REDACTED] location approximately one mile into the wooded area along the fire line, [REDACTED] was transported out of the woods utilizing a Utility Terrain Vehicle (UTV). He was then pronounced dead at the intersection of East Shore Road and the Lake to Lake Trail Parking Area entrance gate by Orange County Medical Investigator Kyle Lynch. According to the New York State Police Incident Report, the time of death was 06:00pm on 11/09/2024. According to the Final Autopsy Diagnosis, [REDACTED] died from blunt impacts to the head. The autopsy report stated external injuries to the right side of the head and internal injuries to the left side of the head.

The inspector requested a copy of the employer's internal investigation reports and findings. The employer did not conduct their own investigation into the fatality.

Personal Protective Equipment (PPE)

The list of PPE provided to employees on Team 2 was determined based on pictures provided by the State Police along with employer and employee interviews. The employer issued PPE to Bear Mountain State Park staff the morning of the incident.

██████████ was wearing the following PPE at the time of the incident: cut resistance work boots, Nomex flame resistance reflective jacket, Nomex flame resistance pants, wildland firefighting protective helmet (meeting the requirements of ANSI/ISEA Z89.1, Type 1, Class E & G and NFPA 1977, 2016 edition), gloves, and eye protection. Safety and Health Inspector Rochelle Watson visually examined ██████████ helmet. There was no obvious or apparent damage to the helmet. Pictures of the helmet are included in the case file. All of this PPE was issued by NYS OPRHP and was a combination of new and used/shared equipment. According to the employer, Rickard was previously issued a fire shelter as stated on the document "Taconic Wildland Fire Team Call Out List" provided by the employer. This document is not dated. A fire shelter is a single person, fold over, defend in place emergency piece of equipment from fire hazards. The records provided did not indicate any other employees on Team 2 receiving a fire shelter. The employer provided a PPE Hazard Assessment for the job titles Park Worker 3, Trades Specialist 1, and Park Manager 1 as well as a PPE Hazard Assessment for the Parks Wildland Firefighting Team developed in 2012. The PPE Hazard Assessment for the Parks Wildland Firefighting Team listed the following required PPE: flame-resistant clothing, wildland fire boots, gloves, eye protection, and head protection. Fire shelters are not included in these requirements.

Training Review

Employer and employee interviews and training records stated that all members of Team 2, except ██████████, had received Game of Logging training. The employer provided training through two different training programs. Employees had received Game of Logging (GOL); however the employer is in the process of transitioning to training provided by the United States Department of Agriculture (USDA) Forest Service called National Sawyer Training.

Training Received:

Chris Rickard, Park Manager 2: GOL Level 1, 2, and 3; Basic Felling 1 and 2

Wildland Fire Training:

Incident Command System (ICS) 300 ICS for Expanding Incidents- February 2009

Basic Firefighting & Wildfire Behavior (S-130/S-190), includes Human Factors in the Wildland Fire (L-180)- October 2011

Wildland Chainsaws (S-212)- October 2012

Portable Pumps & Water Usage (S-211)- April 2014

ICS 100 Introduction to Incident Command System- March 2016

Independent Study Program (IS) 700 An Introduction to National Incident Management System- March 2016

ICS 200 Single Resource and Initial Accident Incident- March 2016

Firefighter Type 1 (S-131)- October 2017

Eric Justino, Assistant Park Manager: GOL Level 1, 2, and 3

No wildland fire training noted in records provided

Dmitiri Benzinger, Park Supervisor 1: GOL Level 1, 2, and 3

Wildland Fire Training:

Wildland Fire Training provided by NYSOPRHP- March 2012

Human Factors on the Fireline (L-180)- April 2021

Firefighter Training (S-130)- April 2021

Introduction to Fire Behavior (S-190)- April 2021

Rich O'Brian, Park Worker 3: GOL Level 1, 2, and 3

Wildland Fire Training provided by NYSOPRHP- June 2019

Charles Egan, Park Worker 3: GOL Level 1 and 2

No wildland fire training noted in records provided

Ronald 'Scott' Spidle, GOL Level 1, 2, and 3; Park Ranger 1

No wildland fire training noted in records provided

William Phillip, Parks & Recreation Aide 3, received no Game of Logging training

No wildland fire training noted in records provided

██████████ Park & Recreation Aide 4, received no Game of Logging training

No wildland fire training noted in records provided

Basic Fire School consists of the following courses: I-100 Intro to ICS, Basic Incident Command, IS-700 An Introduction to the National Incident Management System, L-180 Human Factors on the Fireline, S-130 Firefighter Training, and S-190 Introduction to Wildland Fire Behavior.

Employee interviews stated all members on Team 2, other than ██████████, responded to wildland fires with NYS OPRHP at least once in the last 10 years.

According to the records provided by the employer there was no training provided to five of the eight NYS OPRHP employees by the employer as it related to hazards associated with wildland fire fighting for those employees having elected to participate to respond to the Jennings Creek wildfire.

Determination

PESH evaluated the potential applicable OSHA standards and New York State safety and health labor laws that could have applied to any employee exposure to hazards that were evaluated through the course of this inspection. This is summary of that evaluation.

The New York State Office of Parks, Recreation, and Historic Preservation did not keep the workplace free from the struck by, caught under, and caught between hazards to which employees were exposed while performing wildland firefighting operations in Sterling Forest State Park. The exposures resulted in fatal injuries on 11/09/2024. There are no OSHA or PESH standards which address the specific work operations and exposures involved in this incident. Violations of the General Duty Clause: NYS Labor Law 2, Section 27-a.3.a(1) will be issued.

General Duty Violation

The general duty clause can be cited when there is no specific standard that applies to a recognized safety or health hazard. Though there are many safety and health standards, there are not standards for every hazard that an employee could be exposed to. Industry and technology evolves quickly, hazards in the workplace change as a result and the OSHA rulemaking process is quite slow. The utilization of a general duty clause can fill that gap when specific elements are met. The 4 elements that must be met for PESH to issue a general duty violation include: that the employer failed to keep its workplace free of hazard the hazard, the hazard is recognized, the hazard is likely to cause death or serious physical harm, and there is a reasonably adequate method to abate the hazard.

Serious Violation - Citation 1, Item 1

a) Sterling Forest State Park-Jennings Creek - On or about November 9, 2024, employees who were performing tasks of wildland firefighting such as containing, controlling, removing fuel, stopping the advancement, and utilizing tools were exposed to hazards associated wildland fire fighting including: thermal, smoke inhalation, biological, chemical, ergonomic, physical, psychosocial, being struck by, caught under, and caught between trees, branches, or thrown objects, and other safety hazards while conducting wildland firefighting tasks. The employer had not provided wildland fire training to all employees assigned to work as part of the Parks Wildland Firefighting Team at the Jennings Creek Fire.

Recordkeeping

As part of any inspection, PESH evaluates injury and illness recordkeeping to identify if injuries and illnesses are recorded properly and to identify if there are any trends that should be evaluated as part of the inspection. Employers are required by law to record injuries and illnesses on PESH forms (SH-900, SH-900.1, and SH-900.2) or its equivalent. PESH utilizes the records to determine incident rates for the employer and can compare that rate to similar industries. One rate that may be calculated is referred to as Total Case Incident Rate (TCIR) which measures a workplace's past safety performance. An additional rate that is may be calculated is Days Away Restricted or Transferred (DART). This rate measures the more severe injuries/illnesses that involved time away from work, restrictions, or change of job duties.

The 2021, 2022, and 2023 Logs of Work-Related Injuries and Illnesses (SH 900) and Annual Summaries of Work-Related Injuries and Illnesses (SH 900.1) for the New York State Office of Parks, Recreation, and Historic Preservation, Bear Mountain State Park were requested and received by the inspector and found to be in compliance. The SH-900.2 Injury and Illness Incident Report for the incident that resulted in [REDACTED] death was also requested by the inspector and received.

Annual injury and illness logs were reviewed. The average Days Away, Restricted or Transferred (DART) Rate for calendar years 2021, 2022, and 2023 was 6.73. Additionally, the Bureau of Labor Statistics reported in 2021, the fatal injury rate for state parks workers was 1.5 per 100,000 full-time workers.

Year	Dart Rate
2021	7.3
2022	6.0
2023	6.9

Exit Conference

An exit conference was conducted on 11/12/2024.

Present during the exit conference were:

Karine Montanye, NYS OPRHP, Director of Health and Safety 2 (By Telephone)
David Bourne, NYS OPRHP, Park Operations Manager 4
Erica Rossi, NYS OPRHP, Regional Safety Manager
Robin Hammond, CSEA Local 105 President
Rochelle Watson, NYS DOL PESH, Safety and Health Inspector

Closing Conference

At the end of a PESH inspection, a closing conference is held with the employer and employee representatives to discuss the findings, next steps, employer rights and employee rights. More details can be found about the closing conference in the publication SH 904, which is found on the PESH website: <https://dol.ny.gov/public-employee-safety-health>.

A closing conference was conducted on 11/26/2025 via Microsoft Teams.

Present during the closing conference were:

Karine Montanye, NYS OPRHP, Director of Health and Safety 2
Andrea M. Downing, NYS OPRHP, Associate Counsel
Shari Calnero, NYS OPRHP, Acting General Counsel
Annamarie Malik, PEF,
Jane Meunier Gorman, CSEA, Occupational Safety and Health Specialist
Jazmine Nova Morales, PEF, Health & Safety Specialist
Jennifer Puerner, NYSDOL PESH, Enforcement Case Coordinator
Ryan Cox, NYSDOL PESH, Senior Safety and Health Inspector
Bret Schmidt, NYSDOL PESH, Program Manager 1

During the closing conference the SH 904 Closing Conference pamphlet, observations made during the inspection, and the availability for consultation assistance was discussed. Penalty information and appeal rights were explained.

ORDERS ISSUED:		CSHO NAME (TYPED)	DATE PREPARED
X	YES	Rochelle Watson	01/08/2024
	NO		

DOSH 914

All referenced forms can be made available upon request.

Inspection Report

November 26, 2025 10:58 AM

RID	CSHO ID	Supervisor ID	Inspection Number	Optional Report Number	Case Closed Date
0253690	O8874	D6807	1787397		

Establishment Name	New York State Office of Parks, Recreation, and Historic Preservation Bear Mountain State Park		Doing Business As (DBA)	
Ownership Type	State Government	Type of Business/ Agency Code	Primary NAICS	
Site Address	Sterling Forest State Park-Jennings Creek	Site Phone	Extn	Site FAX
	Tuxedo Park, NY 10987			
Business Address	3006 Seven Lakes Drive P.O. Box 427 Bear Mountain, NY 10911	Business Phone	Business FAX	
Mailing Address	625 Broadway Albany, NY 12207	E-mail		
Site Activity		Site NAICS		Days on Site 4
Federal EIN		DUNS	Temporary or Fixed Site?	
State Estab Id		DUNS plus4	CAGE Code	
Construction Type				

Parent Company Legal Name			Parent Company Trade Name/DBA		
Parent Company Address		Phone Number		Extn	
TIN / EIN			DUNS		
CAGE Code			DUNS plus4		

Entry	11/09/2024	07:25 PM	First Closing Conference	11/12/2024	01:15 PM
Opening Conference	11/12/2024	12:45 PM	Second Closing Conference	11/26/2025	
Walkaround	11/12/2024	12:45 PM	Exit	11/12/2024	01:15 PM

Inspection Initiating Type	Fatality/Catastrophe	Secondary Type	
Other Initiating Type		Inspection Category	Safety
Scope of Inspection	Partial	Reason No Inspection	
Migrant Farm Worker	N	Expln. for No Insp.	
State Strategic Initiatives			
National Emphasis			
State/Local Emphasis	HH		
Primary Emphasis			

Additional Codes			
Type	ID	Value	Description

Employed in Establishment	200	Walkaround?	N	Advance Notice?	N
Covered By Inspection	200	Interviewed?	Y	Flag for Follow-up	N
Controlled By Employer	5,000	Union?	Y	Reason for Follow-up	
Is this Company a current federal contractor?					

Related UPA		
Activity Number	Activity Type	Establishment Name
2232330	FAT/CAT	New York State Office of Parks, Recreation, and Historic Preservation Bear Mountain State Park

Related Inspections		
Inspection Number	Related Inspection Type	Establishment Name

Additional Inspection Information				
SVEP Case?	Post Citation SVEP Action	Post Citation SVEP Action Date		Is this inspection related to a previous SVEP inspection?
N				N
Were Enhanced Settlement Provisions Used?		Did the company implement a SHMS program?		
Does inspection include imminent danger action?	Notice of Alleged Imminent Danger not posted	Employer Refused to eliminate Imminent Danger situation; Notice of Alleged Imminent Danger notice posted		Date Imminent Danger Notice Posted
N				
Was language Interpretation required during this inspection?	How was the interpretation provided?	Other Interpretation	In what language(s) was the interpretation provided?	Other Language
N				

Employer Representatives Contacted				
Name	Karine Montanye	Job Title	Director of Health & Safety	Occupation
Address			Interviewed?	Y
Home	Mobile	(518) 474-9776	Work	Extn
Email	karine.montanye@parks.ny.gov		Participation	Credentials, Opening Conference, Closing Conference, Citation Mailed
Employer Representatives Contacted				
Name	David Bourne	Job Title	Deputy Regional Director	Occupation
Address			Interviewed?	Y

Home		Mobile	(845) 499-3516	Work		Extn	
Email	david.bourne@parks.ny.gov			Participation	Credentials, Opening Conference, Closing Conference, Citation Mailed		
Employer Representatives Contacted							
Name	Erica Rossi	Job Title	Regional Safety Manager	Occupation			
Address				Interviewed?	N		
Home		Mobile		Work		Extn	
Email	erica.rossi@parks.ny.gov			Participation	Credentials, Opening Conference, Closing Conference, Citation Mailed		
Employer Representatives Contacted							
Name	Chris Rickard	Job Title	Park Manager 2	Occupation			
Address				Interviewed?	Y		
Home		Mobile		Work		Extn	
Email				Participation			
Employees Contacted							
Name		Job Title	Parks & Recreation Aide 4	Occupation			
Address				Interviewed?	N		
Home		Mobile		Work		Extn	
Email				Participation			
Employees Contacted							
Name	Eric Justino	Job Title	Assistant Park Manager (Sawyer)	Occupation			

Address				Interviewed?	Y
Home	Mobile	Work		Extn	
Email				Participation	
Employees Contacted					
Name	Dmitri Benzinger	Job Title	Park Supervisor 1	Occupation	
Address				Interviewed?	Y
Home	Mobile	Work		Extn	
Email				Participation	
Employees Contacted					
Name	Richard O'Brian	Job Title	Park Worker 3	Occupation	
Address				Interviewed?	Y
Home	Mobile	Work		Extn	
Email				Participation	
Employees Contacted					
Name	Charles Egan	Job Title	Park Worker 3	Occupation	
Address				Interviewed?	Y
Home	Mobile	Work		Extn	
Email				Participation	
Employees Contacted					
Name	Ronald 'Scott' Spidle	Job Title	Park Ranger 1	Occupation	

Address				Interviewed?	Y
Home		Mobile		Work	Extn
Email	Participation				
Employees Contacted					
Name	William Phillips	Job Title	Parks & Recreation Aide 3	Occupation	
Address				Interviewed?	N
Home		Mobile		Work	Extn
Email	Participation				
Employees Contacted					
Name	Dmitri Benzinger	Job Title	Park Supervisor 1	Occupation	
Address				Interviewed?	N
Home		Mobile		Work	Extn
Email	Participation				
Employees Contacted					
Name		Job Title	Parks & Recreation Aid 4	Occupation	
Address				Interviewed?	N
Home		Mobile		Work	Extn
Email	Participation				
Union Information					
Union Name	CSEA	Local	Local 105		
Rep Name	Robin Hammond	Job Title	President	Occupation	

Address				Interviewed?	N
Home	Mobile		Work	Extn	
Email				Participation	Credentials, Opening Conference, Closing Conference, Citation Mailed

Union Information

Union Name	PEF		Local		
Rep Name	Ed Dunnigan	Job Title	Acting Shop Steward	Occupation	
Address				Interviewed?	N
Home	Mobile		Work	(845) 271-5783	Extn
Email				Participation	Credentials, Closing Conference, Citation Mailed

Union Information

Union Name			Local		
Rep Name	Jane Meunier Gorman	Job Title		Occupation	
Address				Interviewed?	N
Home	Mobile		Work	Extn	
Email	jane.meuniergorman@cseainc.org			Participation	Citation Mailed

Additional Citation Mailing

Organization Name	CSEA		Attention Name	Matt Kozak	
Address					
Home	Mobile		Work	Extn	
Email	matthew.kozak@cseainc.org				

Additional Citation Mailing

Organization Name	CSEA		Attention Name	Jane Meunier	
Address					
Home		Mobile		Work	
Email	jane.meuniergorman@cseainc.org				
Additional Citation Mailing					
Organization Name	PEF		Attention Name	Jazmine Nova Morales	
Address					
Home		Mobile		Work	(518) 785-1900
				Extn	251
Email	jazmine.novamoraless@pef.org				
Additional Citation Mailing					
Organization Name	PEF		Attention Name	Geraldine Stella	
Address					
Home		Mobile		Work	
Email	gstella@pef.org				

Denial of Entry			
Denial Date/Time	Stage	Reason	Re-entry Date/Time

CSHO Signature		Date	
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New York State Department of Labor
Public Employee Safety and Health Bureau
120 Bloomingdale Road, Room 255
White Plains, NY 10605
Phone: (914) 997-9514



Notice of Violation and Order to Comply

To:
Commissioner
New York State Office of Parks, Recreation, and Historic
Preservation
625 Broadway
Albany, NY 12207

Inspection Number: 1787397
Inspection Date(s): 11/12/2024-11/12/2024
Issuance Date: 11/26/2025
CSHO ID: O8874

Inspection Site:
New York State Office of Parks, Recreation, and Historic
Preservation Bear Mountain State Park
Sterling Forest State Park-Jennings Creek
Tuxedo Park, NY 10987

The violation(s) described in this Notice of Violation and Order to Comply is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 12 NYCRR Part 65 et seq and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals at their website: <https://industrialappeals.ny.gov>.

Posting - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

Penalty Assessment - An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

Informal Conference - If an informal conference is requested, it must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

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 no later than 30 days after the discrimination occurred with the PESH district office at the address shown above.

Employer Rights and Responsibilities - The enclosed booklet (P907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within fifteen (15) working days (excluding weekends and State holidays) from the posting of this Notice.



Notice of Violation and Order to Comply

Establishment: New York State Office of Parks, Recreation, and Historic Preservation Bear Mountain State Park
Inspection Site: Sterling Forest State Park-Jennings Creek Tuxedo Park, NY 10987

Citation 1 Item 1

Type of Violation: **Serious**

NYSL Article 2, Section 27-a.3.a(1): The employer did not furnish to each of its employees, employment and a place of employment which were free from recognized hazards that are causing or were likely to cause death or serious physical harm to its employees and which did not provide reasonable and adequate protection to the lives, safety or health of its employees:

a) Sterling Forest State Park-Jennings Creek - On or about November 9, 2024, employees who were performing tasks of wildland firefighting such as containing, controlling, removing fuel, stopping the advancement, and utilizing tools were exposed to hazards associated wildland fire fighting including: thermal, smoke inhalation, biological, chemical, ergonomic, physical, psychosocial, being struck by, caught under, and caught between trees, branches, or thrown objects, and other safety hazards while conducting wildland firefighting tasks. The employer had not provided wildland fire training to all employees assigned to work as part of the Parks Wildland Firefighting Team at the Jennings Creek Fire.

On November 9, 2024, a crew of 8 employees designated as "Team 2" (consisting of Park Manager 2, Assistant Park Manager, Park Supervisor 1, 2 Park Worker 3's, Park Ranger 1, Park & Recreation Aide 3, and Park & Recreation Aide 4) responded to the Jennings Creek wildland fire in Sterling Forest State Park and were exposed to "struck by hazards" during wildland fire tree felling operations. On November 9, 2024, a Park & Recreation Aide 4 was killed when he was struck by part of a tree, which employees interviewed estimated to be approximately 3 feet long. The Park & Recreation Aide 4 was a part of Team 2 consisting of Park and Recreation employees from the Bear Mountain State Park and Lake Taghkanic State Park responding to a wildland fire in Sterling Forest State Park.

Abatement Note: Feasible methods of abating this hazard include but are not limited to the following:

All employees who are required to perform duties of the Parks Wildland Firefighting Team including activities such as containing, controlling, removing fuel, stopping the advancement and utilizing tools/hand tools/heavy equipment to do so can be trained using a variety of courses that the employer already provided to some employees on the team.

The Interagency Standards for Fire and Fire Aviation Operations (also known as "The Red Book") January 2024, which is authored by the US Department of the Interior National Park Service and Department of Agriculture Forest Service among others, in Chapter 13 Firefighter Training and Qualifications requires firefighters obtain training that meets the standards identified in the National Wildfire Coordinating Group (NWCG) Standards for Wildland Fire Position Qualifications (PMS 310-1) for training requirements.

According to the National Wildfire Coordinating Group (NWCG) Standards for Wildland Fire Position Qualifications (PMS 310-1), required Basic Firefighter Training includes the following courses:

ICS-100, Introduction to ICS

L-180, Human Factors in the Wildland Fire Service

S-130, Firefighter Training

S-190, Introduction to Wildland Fire Behavior

See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



Notice of Violation and Order to Comply

Establishment: New York State Office of Parks, Recreation, and Historic Preservation Bear Mountain State Park
Inspection Site: Sterling Forest State Park-Jennings Creek Tuxedo Park, NY 10987

IS-700, NIMS: An Introduction

RT-130, Wildland Fire Safety Training Annual Refresher (WFSTAR)

Safety briefings should include any potential factors that could make regular work duties more hazardous than usual due to the environmental conditions, including but not limited to wildfire behavior hazards, identify escape routes and safety zones, situational awareness, develop contingencies and consider consequences, observe fire behavior, communicating hazards, pre plans for medical emergencies, and emergency response procedures.

The National Wildfire Coordinating Group (NWCG) Standards for Wildland Fire Chainsaw Operations PMS 212 June 2022 , Chapter 2 – Safety, First Aid, and Personal Protective Equipment and the NWCG’s safety briefing titled, “Hazard Tree – Secure Felling Area” provides that the faller must establish: (1) a secure area that is at least two and one half (2.5) times the height of the material being felled in all directions; and (2) a safe area that is in the opposite direction of the planned fall and is at least two and one half (2.5) times the height of the material being felled.

NWCG’s Standards for Wildland Fire Chainsaw Operations PMS 212 June 2022, Chapter 2 – Safety, First Aid, and Personal Protective Equipment states “All content within the NWCG Standards for Wildland Fire Chainsaw Operations meets or exceeds all OSHA 1910.266 Logging Standards.”

Chapter 2: Safety, First Aid, and Personal Protective Equipment – Work Area Control states “Sawyers understand how to establish and maintain work area control. The chainsaw operator is ultimately responsible for controlling the work area. No one shall be permitted in the secured felling area without the authorization of the faller. Supervisors need to support sawyers on work area control measures. The faller must establish a safe area outside the secured area and direct EVERYONE to remain there until all felling procedures are completed and a verbal confirmation such as an ‘all clear’ has been communicated. Employees shall be spaced, and the duties of each employee shall be organized so the actions of one employee will not create a hazard for any other employee.”

Chapter 3 – Complexity, Size Up, and Risk Management states “Many accidents have been attributed to poor size up or missed steps during the evaluation of the tree to be felled, limbed, or bucked. A procedural approach is required to assure all involved in the cutting operation understand the cutting plan. Prescribed size-up procedures assure sawyers evaluate each cutting situation they encounter in an organized and consistent manner.”

The National Wildfire Coordinating Group (NWCG) Incident Response Pocket Guide PMS 461 January 2014- Operational Leadership states that all firefighters have five communication responsibilities: Brief others as needed; Debrief your actions; Communicate hazards to others; Acknowledge messages; and Ask if you don’t know.

The National Wildfire Coordinating Group (NWCG) Incident Response Pocket Guide PMS 461 January 2014 - Hazard Tree Safety states “Avoid hazards by designating No Work Zones (flag, sign, map, and communicate) and modify suppression tactics or fireline location to avoid high-risk areas.”

See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



Notice of Violation and Order to Comply

Establishment: New York State Office of Parks, Recreation, and Historic Preservation Bear Mountain State Park
Inspection Site: Sterling Forest State Park-Jennings Creek Tuxedo Park, NY 10987

The National Wildfire Coordinating Group (NWCG) Incident Response Pocket Guide PMS 461 January 2014- 10 Standard Firefighting Orders and 18 Watch Out Situations (10s and 18s) states to "maintain prompt communications with your forces, your supervisor, and adjoining forces."

Before commencing felling operations, clear communications must be established and conveyed. This can include hand signals, whistles, or radio communications such as the use of Bluetooth communication equipment integrated into the sawyer helmet and hearing protection. All employees working in the operation must be trained and aware of what signals or words mean prior to the start of operations.

Prior to making the back cut when manually felling a tree or trunk, use established and known commands to communicate with all employees working in or near the hazard zone.

Date by Which Violation Must Be Abated:

January 15, 2026

A handwritten signature in blue ink, appearing to read "Matthew Setteducati", written over a horizontal line.

Matthew Setteducati
Supervising Safety and Health Inspector