

Department of Justice

U.S. Attorney's Office

Eastern District of Pennsylvania

FOR IMMEDIATE RELEASE

Thursday, June 11, 2015

Roofing Company Owner Charged In Employee's Fatal Fall

PHILADELPHIA - James J. McCullagh, 60, of Meadowbrook, PA, was charged by indictment, unsealed today, in connection with the fatal fall of an employee, announced United States Attorney Zane David Memeger. McCullagh, who owns James J. McCullagh Roofing, is charged with with four counts of making false statements, one count of obstruction of justice, and one count of willfully violating an Occupational Safety and Health Administration (OSHA) regulation causing death to an employee.

According to the indictment, McCullagh failed to provide fall protection equipment to his employees. On June 21, 2013, one of McCullagh's employees was killed after falling approximately 45 feet from a roof bracket scaffold while performing roofing work for McCullagh. In connection with the OSHA investigation of the fatality, McCullagh attempted to cover up his failure to provide fall protection by falsely stating, on four occasions, that he had provided fall protection equipment, including safety harnesses, to his employees. McCullagh told an OSHA Compliance Safety and Health Officer that his employees had been wearing safety harnesses tied off to an anchor point when he saw them earlier in the day prior to the fall. The indictment alleges that McCullagh knew that he had not provided fall protection to his employees and none of his employees had safety harnesses or any other form of fall protection. It is further alleged that McCullagh directed other employees to falsely state that they had fall protection, including safety harnesses, on the day of the fall.

If convicted, the defendant faces a maximum sentence of 25 years in prison, three years of supervised release, \$1.5 million in fines, and a \$510 special assessment.

The case was investigated by the United States Department of Labor, Office of Inspector General Labor Racketeering and Fraud Investigations and the Occupational Safety and Health Administration and is being prosecuted by Assistant United States Attorney Mary Kay Costello.

An Indictment is an accusation. A defendant is presumed innocent unless and until proven guilty.

USAO - Pennsylvania, Eastern District

Updated June 11, 2015