

21 Crushed by cave-in—Insp # 1682055 Design One Building Systems, Inc.

A 50 year old male employee was buried in a trench collapse while working in an unprotected trench that measured approximately 9'9" deep, 130' long, and 8'5" wide.

For the first two and a half months, the victim and his son worked together in the trench to install new sewer pipe. Afterwards, it was decided by the victim that his son would work outside the trench for the purpose of watching for cracks in the trench walls and edges. The Manager agreed and also had the son working the transit to ensure correct pipe depth. For the next few weeks until the day of the incident, the son watched for cracks while his father worked in the trench.

Water was described coming through the trench walls "like a spout" and did so especially after a rain event. Work was paused a few times when the trench was too wet, but other times, work would still continue despite wet conditions. Over the course of the trench project, there were 3 prior significant collapses while on the job and multiple collapses that occurred overnight while the trench was open.

Just before the incident, the son had stepped away from the trench to move a roll of fence fabric that was partially buried in a pile of gravel, just to get it out of the way. Then the trench collapsed. When he ran back toward the trench, his father was engulfed by the contents of the north trench wall and the spoil pile that was placed above the wall.

The trench had a single 2-footwide bench on the North and South sides that was 5'5" from the bottom of the trench and 3'4" from the top of the trench. The predominant spoil pile, about 6 feet high, was found along the entire length of the North side of the trench. The spoil piles were at the trench's edge without a 2-foot setback. The soil had not been determined, nor had the trench been inspected by a competent person, water eradication measures were not taken, nor were employees trained on trenching hazards. The Manager stated that trench boxes were not used, as he was unfamiliar with how to use them.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1

Type of Violation: Serious

\$1200

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe condition(s) and the regulation(s) applicable to his work environment to control or eliminate any hazard(s) or other exposure to illness or injury.

In that employees were not trained on trench hazards associated with entering and working in an unprotected trench up to depths of 9'9" deep.

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Citation 1 Item 2

Type of Violation: Serious

\$1050

29 CFR 1926.100(a): Employees were not protected by protective helmets while working in areas where there was a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns:

In that two employees working to install a new sewer line were not wearing hard hats while they worked in a 9'9" deep trench.

Citation 1 Item 3

Type of Violation: Serious

\$1200

29 CFR 1926.651(j)(2): Protection was not provided by placing and keeping excavated or other materials or equipment at least 2 feet (.61m) from the edge of the excavations, or by the use of retaining devices that were sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.

In that a 130' long trench with a depth up to 9'9" had spoil piles that were on the edge on the North and South sides of the trench while an employee worked to install a new sewer line for a barn event venue.

Citation 1 Item 4

Type of Violation: Serious

\$1200

29 CFR 1926.651(k)(1): Daily inspections of excavations, the adjacent areas and protective systems were not made by a competent person for evidence of a situation that could have resulted in possible cave-ins, indications of failure of protective systems, hazardous atmospheres and/ or other hazardous conditions:

In that inspections were not completed by a Competent Person on a trench that was approximately 130' long and up to 9'9" deep before allowing employees to enter in order to install a sewer line for a barn event venue.

Citation 2 Item 1

Type of Violation: Willful-Serious

\$70,000

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section:

In that a collapsed trench measuring approximately 9'9" with near vertical walls did not have cave-in protection for employees who were installing a replacement sewer line for a barn event venue collapsed killing one employee.

The employer showed willful plain indifference by requiring employees to work in an unprotected trench over the course of a 3 ½ month time period. Multiple trench hazards likely to cause injury or physical harm were present and not dealt with appropriately.



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