

# OSHA CITATION CASE STUDY

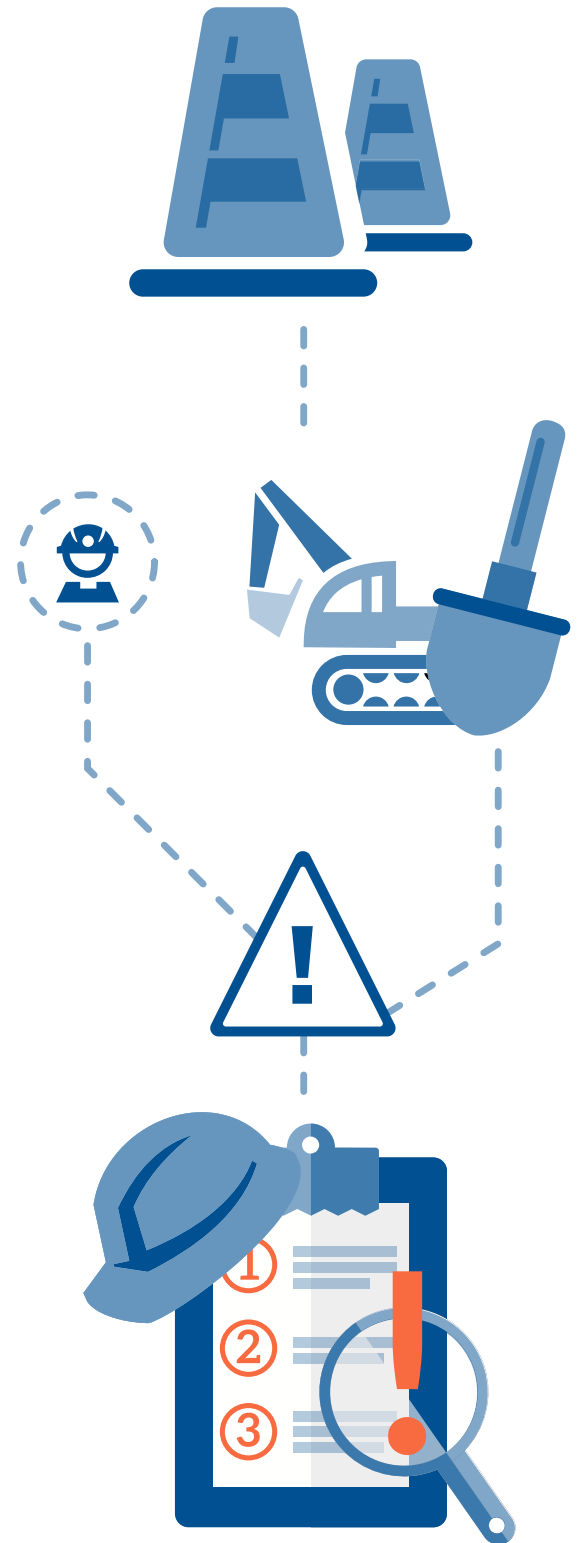
## Construction Contractor Cited for \$250k in Deadly Trench Collapse

Violations of workplace health and safety standards and subsequent OSHA citations can impact organizations of all sizes and sectors. In addition to highlighting unaddressed safety hazards, these citations often carry a number of consequences, including costly penalties, diminished workforce morale and widespread reputational damages. With this in mind, it's vital for organizations to prioritize workplace safety and OSHA compliance to better protect their employees and mitigate the risk of potential citations and related violations. One of the best ways to do so is by analyzing past OSHA citations issued to other organizations and identifying key takeaways to prevent similar incidents. This case study outlines a recent OSHA citation and explains what the affected organization could have done to avoid it.

### What Happened?

In December 2022, OSHA issued multiple citations against a Texas construction contractor for failing to adhere to workplace safety standards while workers installed sewer lines, which resulted in the deaths of two workers earlier in the year. This job took place in an underground trench more than two stories deep. A federal investigation determined these failures created conditions that gave the two workers in the trench little chance of survival after a large section of the excavation collapsed.

OSHA investigators visited the residential construction site in June 2022 and found the construction contractor willfully violated federal law by not having a trench protective system or an exit point inside the trench within 25 feet. Four other serious citations were issued for failing to use ladders as designed, inspect the work site as frequently as required, remove water in the trench and provide workers with first-aid training.



OSHA placed the construction contractor in the agency's Severe Violator Enforcement Program and has proposed penalties of \$250,272. Additionally, OSHA issued one serious citation to the staffing service that provided the workers for not inspecting the job sites and has proposed \$9,324 in penalties.

### What Could Have Been Done?

To prevent these deaths and subsequent OSHA citations, the construction contractor should have taken various precautions, including:

- **Initiating and maintaining a safety program** — Safety programs can help ensure frequent and regular inspections of job sites, equipment and materials are made by a competent individual who can identify hazardous or unsafe working conditions. Employers should designate a competent person to perform safety inspections of equipment and materials on the job site. Further, the competent person should inspect the workplace for any hazards that may occur.
- **Having an individual with a valid certificate of first-aid training available at the worksite to render first aid** — If there is not an infirmary, clinic, hospital or physician reasonably accessible to a worksite, employers should have individuals at the site trained in first aid who can provide swift medical attention after an injury. These individuals can help assess injuries and provide basic medical interventions in the crucial moments following the incident and before a physician or hospital may be available.
- **Taking precautions to protect employees from the hazards of water accumulation** — Working in excavations where water has accumulated or is accumulating can expose employees to cave-in hazards. Employers should inspect the excavation prior to sending employees to work, and if the trench is deemed unsafe, employees should not be allowed to enter. Employers should use equipment like a special support or shield system to protect employees from cave-ins in addition to safety harnesses and lifelines. Water removal methods (e.g., using water removing equipment that is monitored by a competent person) should also be implemented to control the level of accumulating water.
- **Correctly using ladders** — Fastening ladders together to make longer sections when the equipment is not designed to do so can present fall risks. Contractors should ensure ladders are used in accordance with their manufacturer's specifications and are free of oil, grease and other slipping hazards. Ladders should not be tied or fastened together to create longer sections that expose employees to fall hazards.
- **Locating a safe means of egress in the trench** — When a trench excavation is 4 feet (1.22 meters) or more in depth, a stairway, ladder, ramp, or other safe means of egress must be provided so that no more than 25 feet (7.62 meters) of lateral travel within the trench is required of employees. Doing this provides exit points for the workers and helps mitigate cave-in risks.

- **Providing adequate protective systems to protect employees from caves-ins** — Cave-ins are a serious risk, and employers must ensure proper systems are in place when jobs involve trenching and excavation. Construction contractors can utilize special support systems, shield systems or other protective systems to help safeguard against cave-ins. Additionally, they can properly slope and bench the sides of the excavation to help protect workers. When choosing the appropriate protective system, employers must consider the site's soil conditions and the location of underground utilities and other nearby structures.

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