

Case 143. 41-year-old worker was killed when the sides of the trench in which he was working collapsed on him and a fellow worker.

A 41-year-old male worker was killed when the sides of the trench in which he was working collapsed on him and a fellow worker. The two men were laying sewer pipe in an unprotected excavation approximately eight feet deep and four and one half feet wide. The sides of the excavation were nearly vertical. The workers' employer was operating a backhoe to dig the trench and placing the spoils along one edge of the excavation. Prior to the fatal collapse, the two workers had to run to avoid being buried by another cave-in. Approximately 10 minutes after the initial cave-in, they were buried by the fatal collapse. The decedent was completely buried for several minutes. His coworker was buried up to his neck. Once the backhoe operator and the property owner had dug down to the coworker's arms and chest, he uncovered the decedent's head and part of a shoulder. The coworker was seriously injured and taken to the hospital.

The company has been charged criminally with willfully violating the MIOSHA requirement that an employer provide a place of employment, which is free from recognized hazards that are likely to cause death or serious physical harm to the employee. The full description of this fatality can be accessed in the MIOSHA News, Vol. 11, No. 1, Winter 2007.

MIOSHA Construction Safety and Health Division issued three Willful Serious and two Serious violations to the employer.

WILLFUL SERIOUS:

EXCAVATION, TRENCHING, AND SHORING, PART 9, RULE 941(1).
No trench box, no shoring, no proper angle of repose was present.

WILLFUL SERIOUS:

EXCAVATION, TRENCHING, AND SHORING, PART 9, RULE 932(5).
Conditions at the construction site were not consistent with that of a qualified person.

WILLFUL SERIOUS:

GENERAL RULES, PART 1, RULE 114(1).
The employer did not develop or coordinate an accident prevention program for employees.

SERIOUS:

GENERAL RULES, PART 1, RULE 132(3).
Employees were exposed to hazards associated with no person certified in First Aid/CPR available at the jobsite.

SERIOUS:

EXCAVATION, TRENCHING, AND SHORING, PART 9, RULE 933(2).

Employees were exposed to hazards associated with working in an excavation with the spoil piles retained at the edge of the excavation.