

Case 147. 29-year-old Hispanic laborer was killed when he was crushed by a trench wall cave-in while installing water service.

A 29-year-old Hispanic male laborer was killed when he was crushed by a trench wall cave-in while installing water service lines for a newly constructed residential home. The decedent was a member of a three-person work crew. One crewmember operated the CAT 312B excavator. The decedent was one of two laborers. The decedent and his laborer coworker were working inside of a nearly vertical excavation that was 50 feet long, 9 feet deep, 7 feet wide on top and 6 feet 6 inches wide at the bottom. The soil conditions were a mixture of a medium clay and runny sand/loam mix. The trench was an "L" shape. The work consisted of laying schedule 40, 4-inch pipe from the main near the street to the home. The decedent was assigned to dig under the footing near the basement while his coworker in the trench was laying pipe near the street. The decedent was working approximately 15-20 feet from his coworker who was using a gas powered saw to cut pipe. The coworker could not see the decedent. It is thought that the decedent was using a pick ax to dig out from the footing on the south side of the trench. There was no trench box. The decedent's coworker heard a collapse and yelled to the heavy equipment operator concerning the location of the decedent. His coworker then ran to the decedent's location and found him under a large chunk of dirt. The heavy equipment operator told the coworker to call the company. He did so, and the company representative instructed him to call 911. He called 911. Prior to emergency response arrival, different contractor workers working nearby heard the commotion and entered the trench with the decedent's coworker to attempt to move the dirt from the decedent. The excavator was directly west of the decedent and close enough that the heavy equipment operator used the bucket to dig around the decedent. One of the other contractor employees attempting to dig out the decedent told the excavator operator to stop digging. The operator then left the excavator cab to help dig out the decedent. Emergency response arrived. While attempting rescue, the south wall collapsed again. The decedent was declared dead at the scene.

MIOSHA Construction Safety and Health Division issued the following alleged Serious citations to the employer at the conclusion of the investigation:

PERSONAL PROTECTIVE EQUIPMENT, PART 6, RULE 622(1).

No head protection was being worn while employees were working inside of an excavation with spoil piles stored at the edge of the excavation. The employees were engaged in installing water service lines for a newly constructed residential home.

EXCAVATION, TRENCHING, AND SHORING, PART 9, RULE 932(5).

A qualified person's actions were not consistent with that of a trained qualified person. The employees were engaged in installing water service lines for a newly constructed residential home inside of a near vertical excavation. The trench was 50 feet long, 9 feet deep, with a 7-foot wide top and a 6-foot 6-inch wide bottom. The soil condition was of a runny sand loam, clay mixture.

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

An excavation that an employee is required to enter shall have excavated and other material stored and retained not less than 2 feet from the excavation edge.

Instance (A):

Spoil piles were stored at the edge of an excavation while employees were performing work inside.

Instance (B):

A model #312B Caterpillar equipment was stored at the edge of an excavation while an employee was performing work inside.

EXCAVATION, TRENCHING, AND SHORING, PART 9, RULE 933(5).

No ladder was provided within 25 feet of an employee working inside of a near vertical trench 9 feet in depth.

EXCAVATION, TRENCHING, AND SHORING, PART 9, RULE 941(1).

The sides of an excavation were not cut to the proper angle of repose—no shoring or trench box was being used. The employees were working inside of a near vertical excavation.