

A 39-year-old man was crushed in a trench collapse. The employee and a co-worker had been working in and out of an approximately 9-foot-deep trench for 3 hours while setting and leveling concrete pipe for a storm water drainage extension. There was no cave-in protection in place. While working, one wall of the trench collapsed, entrapping the victim and resulting in a fatality.

**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**

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, four employees had not been trained to recognize the hazards of working in an approximately 9-foot deep excavation without cave-in protection or the types of protection to be used to mitigate those hazards, which exposed them to a cave-in, resulting in a fatality.

**Proposed Penalty: \$4000.00**

**Citation 1 Item 2 Type of Violation: Serious**

29 CFR 1926.651(c)(2): A stairway, ladder, ramp or other safe means of egress was not located in trench excavations that were 4 feet (1.22m) or more in depth so as to require no more than 25 feet (7.62m) of lateral travel for employees.

In that an approximately 9-foot deep, 5.5-foot wide, and 34-foot-long excavation that the employees worked in did not have a safe means of egress in place, exposing them to cave in and struck by hazards.

**Proposed Penalty: \$2000.00**

**Citation 1 Item 3 Type of Violation: Serious**

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 the approximately 9-foot-deep excavation that the employees worked in was not inspected daily by a competent person prior to the start of work which exposed the employees to cave in and struck by hazards.

**Proposed Penalty: \$2000.00**

**Citation 2 Item 1 Type of Violation: Willful-Serious**

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 29 CFR 1926.652 (b) or (c).

In that, employees worked at the base of an approximately 9-foot-deep excavation without the use of cave in protective system, which resulted in a cave in and employee fatality.

The onsite competent person and supervision knew that cave-in protection was required for an excavation of this depth but willfully disregarded the TN-OSHA standard requiring cave-in protection and allowed employees to work in the unprotected excavation.

**Proposed Penalty: \$70000.00**

17—Trench Cave In—Insp #1771062 Dillard Construction

