

OSHA cites Dothan contractor for deadly September trench collapse

On behalf of Johnston, Moore & Thompson

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In September of last year, two men were installing a sewer pipe at an excavation site in Enterprise, which is in southeast Alabama. The soil was saturated with water, and there no safe means of exit when the wet, heavy soil collapsed on them. One man was killed in the [trench collapse](#) and another was hospitalized.

After completing its investigation of the fatal accident, OSHA has cited L & K Contracting Co. of Dothan with five workplace safety violations -- three considered willful, one considered serious, and one other-than serious. The proposed penalties assessed against L & K Contractor total \$159,600.

"An unprotected trench can become a grave in seconds if its walls cave in on workers," said OSHA's Mobile area director Kurt Petermeyer.

"In this case, the soil was saturated with water, and the company failed to take the necessary measures to effectively protect the workers against this collapse."

OSHA safety standards require trenches 5 feet or deeper to be protected against collapse

According to OSHA, this tragic construction accident and the worker's wrongful death were completely preventable. The workplace safety agency cited L & K Contracting with three "willful" safety violations, which means that the employer demonstrated either an intentional disregard for safety regulations or showed plain indifference to its employees' safety.

In this case, OSHA found that L & K had failed to take adequate steps to protect the construction workers from soil that fell into the excavation. It also failed to protect the workers from known hazards associated with water accumulation in excavations and trenches. It also failed to ensure that the men were wearing adequate personal protection equipment.

OSHA also issued L & K a citation for a "serious" safety violation. This was because the contractor allowed the men to work in a trench that was approximately 10 feet deep without providing a safe means of exit in the event of a trench collapse. OSHA safety regulations, which employers are required by law to follow, require any trench 5 feet or deeper to be protected against collapse.

A "serious" safety violation is defined as one in which the employer knew or should have known there was a substantial probability that a hazard would cause serious injuries or death.

L & K was also cited for breaking the law by failing to report the construction accident within eight hours. This was categorized as an "other-than-serious" violation, which is one that has a direct relationship to employee safety or health but would probably not cause injury or death in and of itself.

While the injured construction worker and the family of the deceased are entitled to workers' compensation benefits, that can in no way change the fact that these men were put in danger by their employer.

L & K Contracting has 15 business days from receipt of the citations and proposed penalties to respond.

Source: OSHA Region 4 News Release, "[US Labor Department's OSHA cites Dothan, Ala., contractor for safety violations following worker's death at Enterprise, Ala., construction site,](#)" March 10, 2011