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**US Labor Department's OSHA cites Bontrager Excavating in Uniontown,
Ohio, after one worker killed, another injured in trench cave-in
*Company placed in OSHA's severe violator program***

UNIONTOWN, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Bontrager Excavating LTD in Uniontown for two alleged willful, two serious and one repeat safety violation for failing to protect workers from cave-ins during trenching operations. An inspection was initiated after one worker was killed and another was injured in a trench collapse on Dec. 28, 2010, in Stark County.

"Cave-ins are a leading cause of worker fatalities during excavations. Failing to take adequate safety measures to prevent cave-ins had a tragic result in this situation," said Howard Eberts, OSHA's area director in Cleveland. "OSHA implemented a trenching and excavation special emphasis program in the 1980s, so the industry is well aware of the safety regulations for trenching operations."

The willful violations involve failing to properly protect workers from trench cave-ins while installing sewer lines in a Stark County residential neighborhood. One trench box was used, but it was placed 8 feet below grade and the trench wall collapsed above the box, resulting in the death of a foreman and injury to another worker. Additionally, a trench box was not consistently used in another trench on the same job site during part of the installation project. When that trench box was used, it also was placed below grade. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

OSHA standards mandate that all excavations 5 feet or deeper be protected against collapse. Detailed information on trenching and excavation hazards is available on OSHA's website at <http://www.osha.gov/SLTC/trenchingexcavation/index.html>.

The repeat violation was cited for failing to provide a safe means of egress to employees working inside a trench box. OSHA regulations require that a stairway, ladder, ramp or other means of egress be provided in a trench. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Bontrager Excavating was cited for the same violation in 2007.

The serious violations involve failing to ensure a safe means was used to determine the location of underground utilities and to ensure a trench shield system was no more than 2 feet off the bottom of a trench floor. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.



OSHA has placed Bontrager Excavating in its Severe Violator Enforcement Program, which mandates targeted follow-up inspections to ensure compliance with the law. Initiated in June 2010, the program focuses on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations. Bontrager Excavating was placed in the program due to the fatality for which a willful violation was cited. For more information, visit <http://www.osha.gov/dep/svep-directive.pdf>*

Prior to OSHA's inspection in December 2010, Bontrager Excavating had been inspected six times since 1992, resulting in 12 citations for various trenching hazards.

Based on the latest inspection, Bontrager Excavating faces proposed penalties of \$157,710. The company has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's area director, or contest the citations and penalties before the independent Occupational Safety and Health Review Commission. Employers and employees with questions regarding workplace safety and health standards can call OSHA's Cleveland Office at 216-615-4266. To report workplace incidents, fatalities or situations posing imminent danger to workers, call the agency's toll-free hotline at 800-321-OSHA (6742).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>