

N E W S R E L E A S E

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Cal/OSHA Cites Two Employers More Than \$300,000 for Exposing Workers to Cave-In Hazards after Stop-Work Order Issued

Oakland—Cal/OSHA today cited two Northern California construction businesses more than \$300,000 for exposing workers to cave-in hazards at a residential construction site in Piedmont. The companies violated Cal/OSHA’s order to stop work until the imminent hazard was abated.

“Excavation collapses and cave-ins cause serious workplace injuries and fatalities. These citations remind employers to abide by Cal/OSHA stop work orders that are issued to protect workers from unsafe conditions,” said Christine Baker, Director of the Department of Industrial Relations (DIR). Cal/OSHA, officially known as the Division of Occupational Safety and Health, is a division of DIR.

Cal/OSHA cited San Mateo-based general contractor EMI Design & Construction Inc. for 10 workplace safety violations, including two willful and three serious in nature with total proposed penalties of \$164,465. Salt Light Investments Inc., a construction project management company in Berkeley, was cited for three workplace safety violations including two willful in nature, with proposed penalties of \$140,375.

The violations were discovered during an April 20 investigation at the residential construction site. Cal/OSHA investigators found 11-foot unshored walls and issued a stop-work order that same day to address the unsafe excavation. Three weeks later, Cal/OSHA learned that the employers ordered workers back to the site, despite failing to correct the imminent hazards.

“Cal/OSHA issues stop work orders when there’s evidence of an imminent hazard to workers,” said Cal/OSHA Chief Juliann Sum. “The employers’ blatant refusal to protect their workers from a cave-in hazard put their employees’ lives at risk.”

Both EMI Design & Construction Inc. and Salt Light Investments Inc. were issued willful violations for failing to shore up an excavation up to 11 feet and for a lack of a design for proper shoring as required. EMI Design & Construction Inc. was also cited three serious violations for an unguarded floor opening, an unguarded wall opening and unguarded exposed rebar ends.

A similar hazard caused a fatal accident at a Milpitas construction site in January 2012. In that case, a construction employer ordered a worker back to an excavation site with unshored 12-foot walls three days after a stop-work order had been issued because of the hazard. The walls caved in, killing the worker. Cal/OSHA launched a criminal investigation, leading to [two years' jail time](#) for both the construction company owner and the project manager.

A serious violation is cited when there is a realistic possibility that death or serious harm could result from the actual hazardous condition. A willful violation is cited when the employer is aware of the law and violates it, or when the employer is aware of the hazardous condition and does not take reasonable steps to address it.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers and employee organizations to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). The California Workers' Information line at 866-924-9757 provides recorded information in English and Spanish on a variety of work-related topics. Complaints can also be filed confidentially with [Cal/OSHA district offices](#).

Members of the press may contact Erika Monterroza or Peter Melton at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). For general inquiries, contact DIR's Communications Call Center at 1-844-LABOR-DIR (1-844-522-6734) for help in locating the appropriate [division or program](#) in our department.