

NEWS RELEASE

News Release No.: 2017-35

Date: May 9, 2017

Cal/OSHA Cites Two Employers for Fatal Drainage Shaft Accident

Los Angeles—Cal/OSHA has cited two companies \$352,570 for multiple workplace safety and health violations, including ten serious and three willful category violations, following an incident in which a worker lowered into a 50-foot drainage shaft fell to his death. Neither D&D Construction Specialties, Inc. nor Tyler Development, Inc. followed permit required confined space procedures to work in confined spaces. Cal/OSHA [in 2012 cited D&D Construction, Inc.](#) for violating similar safety orders at a different construction site.

General contractor Tyler Development was constructing a single-family residence in the Bel Air area and hired subcontractor D&D Construction to install and service reinforced concrete posts known as caissons¹ on the property. On October 21, 2016, a D&D Construction worker entered the drainage shaft, which was 4.5-feet in diameter and lined with concrete, to clean out mud and debris. He stood inside a bucket attached to a mini crawler crane with no personal fall protection. After descending 10 feet into the shaft, the worker lost consciousness due to the oxygen deficient atmosphere, fell approximately 40 feet and drowned in one foot of water.

“Cal/OSHA launched a confined space educational program to bring attention to the dangers and preventable deaths that occur in confined spaces,” said Cal/OSHA Chief Juliann Sum. “The program helps employers identify hazards and create effective safety plans that include air monitoring, rescue procedures and training before work begins.”

Cal/OSHA cited D&D Construction \$337,700 for 13 violations, including two willful serious accident-related, one willful serious, one serious accident-related, six serious, and three general in nature. The accident-related violations were cited for the company’s failure to:

- ensure safe entry into the confined space,
- have an effective method to rescue the worker in the confined space in an emergency, and

¹ A caisson is a reinforced concrete pile or post that transfers the load (weight) of the home directly to bedrock.

- test the environment to determine if additional protective equipment, such as a respirator or oxygen tank, were required to work safely in the shaft.

Tyler was cited \$14,870 for five violations, three of them classified as serious violations, for the employer's failure to:

- evaluate the worksite for possible permit-required confined spaces,
- ensure that the subcontractor meets all requirements to comply with a permit space program, and
- protect workers from the hazard of impalement by guarding all exposed reinforced steel ends that extend up to six feet above the work surface with protective covers.

Confined spaces are defined as large enough for workers to enter, but have limited openings for exit and entry, with a potential for hazards related to the atmosphere and space. They are found in multiple industries, and include water and sewer pipes, boilers, silos, kilns, vaults, tunnels and pumping stations.

In 2011, there were seven confined space fatalities in California. In two of the incidents, rescue was attempted by co-workers without proper evacuation training, resulting in the death of one worker and serious injuries to two workers. In response, Cal/OSHA launched a [confined space emphasis program](#) in 2012 to raise awareness of these hazards and ensure employers follow proper safeguards. This safety program includes training in identifying hazards, creating a safety plan and rescue procedures.

A willful violation is issued where evidence shows that the employer committed an intentional and knowing violation—as distinguished from inadvertent, accidental or ordinarily negligent—and the employer is conscious of the fact that what they are doing constitutes a violation, or is aware that a hazardous condition exists and no reasonable effort was made to eliminate the hazard.

A serious violation is cited when there is a realistic possibility that death or serious harm could result from the actual hazardous condition.

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

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). 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.

#



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 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.