

N E W S R E L E A S E

News Release No.: 2018-95

Date: November 19, 2018

Cal/OSHA Cites Construction Company for Fatal Trench Accident

Oakland—Cal/OSHA has cited general contractor Bay Construction Co. for dismantling a trench box while an employee was still working inside. Investigators found the employer committed willful-serious safety violations by unsafely removing a linear support rail that fell and fatally crushed the worker.

“Shield systems are designed to protect employees from cave-ins when working in an excavation,” said Cal/OSHA Chief Juliann Sum. “Employers must ensure that no one is inside of the excavation when the protective system is being installed or removed.”

Bay Construction Co. of Oakland assembled a trench box on April 23 to install underground pump station equipment at the Martin Luther King Jr. Regional Shoreline in Oakland. Four days later, the crew was finishing up the underground work when a worker was compacting dirt inside the trench box and another was using an excavator with a four-hook bridle sling to remove the shoring system’s 5,000-pound linear rails. The hooks used for the sling were not adequate for this operation and one failed, dropping a rail and fatally crushing the worker inside the trench.

Cal/OSHA issued nine citations to Bay Construction Co. with \$141,075 in proposed penalties, including five classified as general, two serious, one serious accident-related and one willful-serious accident-related. The willful-serious accident-related citation was issued for failing to ensure that no employees were in the trench shield while it was being dismantled. The serious accident-related citation was issued for the employer’s failure to use adequate hooks to remove the heavy linear rails. The citations for serious violations were issued for failing to conduct daily inspections of the excavation site to identify any potential hazards and failure to implement multiple sections of the employer’s Injury and Illness Prevention Program, which includes training and instruction to employees working in excavations.

A citation is classified as serious when there is a realistic possibility that death or serious harm could result from the actual hazard created by the violation. A willful violation is cited when the employer is aware of the law and violates it nevertheless, or

when the employer is aware of the hazardous condition and takes no reasonable steps to address it.

Cal/OSHA offers [extensive information and resources](#) on working safely in the construction industry, including how to safely perform [trench and excavation operations](#). Before starting excavation work, the approximate locations of all underground installations that may be encountered during excavation operations must be determined and the proper notification must be made to the appropriate agency in either [Northern](#) or [Southern California](#). A [permit](#) from the local Cal/OSHA district office must be obtained before the construction of excavations five feet or deeper into which any person is required to descend.

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 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 Peter Melton or Jeanne-Mairie Duval 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.