

**EXECUTIVE SUMMARY**

**OCCUPATIONAL SAFETY AND HEALTH  
APPEALS BOARD**

**Summary  
of  
Ghilotti Brother's Construction, Inc. – Decision After Reconsideration**

Employer's appeal was granted because the evidence showed an excavation of less than 20 feet in depth was made in material that remained intact on the vertical, and thus satisfies the definition of stable rock. Section 1541.1(a)(1) was not violated. Table B-1 of the applicable Appendix allows for such excavations, and the exception to shoring or benching requirements in 11541.1(a)(1)(A) is also satisfied by these facts.

Ghilotti Brothers Construction, Inc. 04-2321, 2322  
July 26, 2011  
**1541.1(a)**