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Press Release

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Occupational Safety and Health Review Board Upholds \$301,000 in Penalties Issued in Trenching Fatality

ANCHORAGE, Alaska— The Alaska Occupational Safety and Health Review Board upheld multiple willful citations issued by the Alaska Department of Labor and Workforce Development to Hartman Construction and Equipment, Inc. The fines were issued after an Alaska Occupational Safety and Health (AKOSH) investigation of a trench collapse that took the life of a Hartman Construction employee.

Samuel Morgan, who was 23 years old, died at an Anchorage worksite near 91st Street and King Street on June 16, 2015, when he was buried up to his waist by falling debris and then dug out using heavy equipment. AKOSH investigators arrived on scene and found numerous violations of trenching and excavation standards. The trench had no benching, shoring, or sloping to prevent a dangerous cave-in. Evidence showed that the employer was aware of the possibility of a trench collapse, yet chose to continue work without taking preventative measures. AKOSH issued eight citations, which were appealed by Hartman Construction and Equipment, Inc.

The Occupational Safety and Health Review Board reviewed the facts of the case and upheld five willful violations. Willful violations involve plain indifference or conscious disregard for employee safety, and carry a penalty of up to \$70,000 for each violation. The board determined that Hartman Construction and Equipment, Inc. disregarded clear OSHA requirements for trenches and excavations.

The board also determined that the use of an excavator to extricate Mr. Morgan from the trench collapse was inherently dangerous, and could possibly have contributed to the young man's death. Though no specific OSHA standard addresses the practice, Hartman Construction was found to be in violation of the law requiring employers to provide their employees with a workplace free from recognized hazards that are likely to cause death or serious physical harm. Hartman Construction and Equipment, Inc. has filed a notice of appeal in Superior Court.

Employers are responsible for providing a safe and healthful workplace for their employees. Assistance is available from private safety and health consultants or from the AKOSH Consultation and Training Program, which offers free and confidential safety and health advice to small and medium-sized businesses. Employers can learn more about the AKOSH Consultation program by calling 1-800-656-4972 or by visiting <http://labor.alaska.gov/lss/oshhome.htm>.

The full Occupational Safety and Health Review Board decision can be found here:
http://labor.alaska.gov/oshboard/do/15-2286-hartman_construction.pdf

Additional resources related to trenching and excavation safety are available at:

<https://www.osha.gov/SLTC/trenchingexcavation/>
<https://www.cdc.gov/niosh/topics/trenching/>
<https://www.osha.gov/dts/vtools/construction.html>
<http://www.elcosh.org/index.php>

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