

Fatal trench collapse leads to OSHA violations

OSHA proposed \$274,359 in penalties against a local plumbing company.

LOCAL By [Mark Gokavi](#) - Staff Writer



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KRW Plumbing LLC violated government safety standards related to the Washington Twp. trench collapse that killed 33-year-old James Rogers of Winchester.

An investigation by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) cited the Jamestown company for "willful, serious safety violations" because it did not provide trench cave-in protection for employees.

OSHA's proposed penalties against KRW total \$274,359, according to a Thursday press release.

Rogers had texted his girlfriend about the trench, saying, "It's getting deep," according to an attorney that has consulted Rogers' family.

"These findings were expected — the family was been convinced from the start that the loss of this young man's life was completely preventable," attorney Craig Matthews said. "My investigation into the complete facts and legal remedies available is continuing."

OSHA found that KRW did not provide trench cave-in protection, failed to protect workers from excavated material falling or rolling into a trench or falling from inside the trench walls and also failed to trained workers in recognizing trench hazards.

KRW Plumbing has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent OSHA Review Commission. An OSHA representative said KRW had not contacted them as of Thursday



James Rogers

afternoon.

No one answered Thursday at a phone number listed online for KRW. A recording said a voice mail box had not been set up.

Rogers died June 15, 2016 when he was part of a crew installing a sewer line in a residential home under construction on Claxton Glen Court in Washington Twp.

“This man’s life could have been saved by following OSHA’s safety standards that require cave-in protection in a trench more than 5-feet deep,” Ken Montgomery, OSHA’s area director in Cincinnati, said in the release.

“Excavating companies need to re-examine their safety procedures to ensure they are taking all available precautions including installing trench boxes, shoring and other means to prevent unexpected shifts in the soil that can cause walls to collapse.

“Soil and other materials must also be kept at least two feet from the edge of trench to prevent the spoils from falling back into the open trench.”

Investigators found earlier on June 15, a portion of the trench had collapsed and the worker was able to escape.

Agency inspectors also learned the same worker was involved in a trench collapse about a month earlier at another construction site, because trench cave-in protection was not provided, leading OSHA to open a separate investigation in October 2016.

Rogers posted on social media a month before he died about a trench that collapsed soon after he got out of it and said, “Never again.”

The OSHA release said Rogers was one of 23 workers killed in trench collapses in 2016, and that 12 others reported injuries.

The release said trench collapses are rarely survivable, since one cubic yard of soil can weigh up to 3,000 pounds.

“Trench deaths have more than doubled nationwide since last year – an alarming and unacceptable trend that must be halted,” said Dr. David Michaels, assistant secretary of labor for the Occupational Safety and Health Administration. “There is no excuse. These fatalities are completely preventable by complying with OSHA standards that every construction contractor should know.”

About the Author



MARK GOKAVI covers Montgomery County courts and public safety issues.



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