

Trench collapse deaths rise but are entirely preventable, experts say

By Richard Wilson

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MONICA CASTRO/STAFF

Emergency crews responded April 6 to a home under construction at the Landings at Sugarcreek. A man working alone at the site died when the walls of a trench collapsed on top of him.

A better economy means more construction of new homes and businesses, but safety experts warn the rush of building can also result in trench collapse deaths or serious injuries on work sites.

The trench collapse at a home construction site in Sugarcreek Twp. that claimed the life of 43-year-old Dalbert Burton on April 6 is the third fatal trench collapse in the area since 2016. That's the year home construction activity started to rebound following the recession, according to the Home Builders Association of Dayton.

Trench collapse deaths are entirely preventable when safety measures are followed, according to Jason Deck, instructor at the Ohio Operating Engineers Apprenticeship and Training Center in West Carrollton.

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Deck trains people entering the construction industry on trench safety at the center's 182-acre property.

"Construction is a very dangerous business," Deck said. "Our apprentices cannot graduate without completing trench safety. They will know what to look for and say, 'No, I'm not getting down in there because it's not safe.'"

Joe Barnes, treasurer secretary for Laborers International Union of North America 1410, said creating safe conditions around a trench may take an entire day's worth of labor before any work can start.

"To do it right, it's money," Barnes said. "It takes a lot more time. Contractors think they can run in and get it done. They gamble all the time."

'It's getting deep' The last text message James Rogers sent before he died in a June 2018 Montgomery County trench collapse said, "It's getting deep."

A photo of the Washington Twp. trench accompanied the text sent at 11:24 a.m. that day, according to an attorney representing his family in a lawsuit. Rogers' girlfriend responded minutes later with a text that said: "OMG babe be smart!!! And safe." Police said 9-1-1 was called at 1:44 p.m., and Rogers, 33, of Winchester, died from asphyxiation and "mechanical chest compression," according to his death certificate.

RELATED: [**'It's getting deep'— Man texted before death in trench**](#)

From 2011 to 2016, the most recent national data available, 130 people died in the U.S. as a result of cave-ins from trenching or excavating, according to the Bureau of Labor Statistics. The figures show the highest number of fatal incidents were 25 in 2015 and 36 in 2016.

That coincides with an increase in building after the Great Recession of 2008 and the subsequent economic recovery.

The upward trend prompted federal OSHA officials to step up education and enforcement efforts last year.

It was not the first time OSHA had addressed the issue. OSHA also increased education and enforcement after trench-related fatalities spiked at 48 in 2003, and that led to a decline in such incidents, according to Laborers' Health & Safety Fund of North America.

OSHA conducted an investigation into the 2003 deaths, and that study is still cited today in understanding trench fatalities.

About 20 percent of construction work is union, but only 6 percent of the 2003 fatalities were union members, according to the study.

“The lower rate suggests that union jobs are safer, that supervisors and workers on union sites are better trained and that the union offers the kind of protection that workers need to speak up about safety issues on the worksite,” states LHSFNA.

Union and signatory contractors stress safety, according to Ralph E. Cole, business manager and secretary treasurer at Laborers’ District Council of Ohio.

“The most important issue is having our members return home safely to their families at the end of the day,” Cole said. “Not only are we reactive when an accident happens, we are proactive to prevent them from happening again. We follow OSHA standards more stringently, do drug testing and require continuing education.”

Soil samples a key

Deck said one of the key safety protocols is to sample the soil where digging will occur to determine what type of protection measures should be followed. When you don’t know the makeup of the soil, Deck said you automatically default to the least stable soil, Class C, which can be sandy or submerged soil or rock that isn’t stable.

The type of soil partly determines the degree of slope needed at the entrance of the trench. Deck said in many cases trenches should be as wide as they are deep.

The continued incidents of trench collapses at construction sites is a result of “lack of training,” Deck said.

“I’ve had apprentices take trench safety who have been on jobs where they go down a 10-foot deep trench without a box. They didn’t know any better. They thought it was normal,” Deck said. “Everybody wants to go home safe. A lot of the problem is these guys are scared. They think, ‘If I don’t do it, will I have a job?’”

Workers should not enter a trench without a “trench box” in place if it is deeper than four or five feet, according to Barnes.

A trench box can be rented, but a used trench box certified for trenches up to 26 feet costs around \$15,000, according to Deck.

He said trench boxes can save contractors in heavy equipment fuel costs and labor because there is less to “backfill” in the trench.

Investigations, lawsuits, penalties

Trench collapses trigger investigations that sometimes lead to penalties and can result in civil lawsuits, too.

The Ohio Occupational Safety and Health Administration is investigating the April 6 fatal trench collapse, and the work may not be concluded until early fall.

Burton reportedly was working alone at the site, which is not in compliance with OSHA safety regulations. Burton's company, Payne Enterprises, had been cited three times previously for trench safety violations, in 2017, 2018 and one still pending from January.

Payne Enterprises was fined a total of \$36,552 for the 2017 and 2018 violations, but the company was able to pay a settlement amount of \$18,276, according to OSHA records.

Two days after Burton's death, a construction worker in Marysville was killed when the walls of a 20-foot trench collapsed. The worker's company, J&J Schlaegel, Inc., was cited in 2015 for a "serious" trench safety violation, the fine for which was settled at \$1,428, according to OSHA records.

The family of Zachary Hess filed a \$20 million lawsuit for his death in a 2017 trench collapse in Morrow. The suit against Ryan Homes, the developer and various subcontractors is ongoing.

Trench safety

5 things to know

1. Ensure safe entry and exit
2. Make sure there is cave-in protection
3. Keep materials away from the trench
4. Look for standing water or other hazards
5. Never enter a trench unless it has been inspected

To report an unsafe trench, call 800-321-6742.

Source: U.S. Department of Labor