



U.S. Department of Labor Occupational Safety & Health Administration

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OSHA News Release

2005 - 02/04/2005 - OSHA Fines Moeves Plumbing \$150,000 for Willful and Serious Violations of Trenching and Excavation Safety Rules

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OSHA Regional News Release

**U.S. Department of Labor
Office of Public Affairs**

Region 5

Region 5 News Release 05-180-chi

Date: Feb. 4, 2005

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OSHA Fines Moeves Plumbing \$150,000 for Willful and Serious Violations of Trenching and Excavation Safety Rules

CINCINNATI -- The U.S. Labor Department's Occupational Safety and Health Administration (OSHA) has cited Moeves Plumbing Inc., Cincinnati, following an Aug. 2, 2004 inspection of a trenching operation in Hamilton, Ohio, the agency announced today.

"Strong enforcement is a key part of this Administration's efforts to reduce workplace injuries and illnesses," said U.S. Secretary of Labor Elaine L. Chao. "The significant penalty of \$150,000 in this case demonstrates our commitment to protecting the health and safety of American workers."

OSHA issued citations for three alleged willful violations and one serious violation of workplace health and safety standards involving trenching and excavation operations. During the inspection, OSHA found that employees working in a trench approximately nine feet deep, were exposed to cave-in hazards due to inadequate or missing safety equipment, the improper piling of excavated material which was too close to the open trench where it could have rolled or fallen back into the excavation, and inadequate safe means of entering or exiting the trench. A serious citation was issued alleging that trench shields available for use were damaged.

Moeves Plumbing has been the subject of 13 previous inspections, including five that resulted in citations for violations of OSHA's trenching standards. Two of the 13 inspections came as a result of employee fatalities due to trench cave-ins.

Willful violations are those committed with an intentional disregard or plain indifference to the requirements of the Occupational Safety and Health Act. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The company has 15 working days from receipt of the citations to appeal before the independent Occupational Safety and Health Review Commission.

Employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. For more information, visit www.osha.gov.

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