



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

www.osha.gov

MyOSHA [skip navigational links]

Search



Advanced Search | [A-Z Index](#)

OSHA News Release

2005 - 06/21/2005 - OSHA Fines Pearland, Texas, Company \$133,000 Following Trenching Fatality

[OSHA News Release - Table of Contents](#)

OSHA Regional News Release

U.S. Department of Labor
Office of Public Affairs

Region 6

Region 6 News Release: OSHA-05-1104-DAL

Tuesday, June 21, 2005

Contact: Diana Petterson or Elizabeth Todd

Phone: (214) 767-4776, ext. 222 or 221

OSHA Fines Pearland, Texas, Company \$133,000 Following Trenching Fatality

PEARLAND, Texas -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited KCC Group Inc., Pearland, Texas, and proposed penalties totaling \$133,000 for failing to protect workers from trenching hazards that led to an employee's death.

OSHA began its investigation Dec. 23, 2004, in response to a trench cave-in at a worksite on York Blvd. in Pearland. One worker was killed; another dug himself free and escaped without serious injury. OSHA citations against the company alleged two willful, 10 serious and two other-than-serious violations of safety and health standards.

"OSHA standards for trenching and excavation are very specific and designed to protect workers from cave-ins," said Chuck Williams, OSHA's area director for the Houston South office. "This tragic death could have been avoided, and OSHA will not tolerate employers who expose workers to preventable hazards."

The two willful citations were issued for failing to provide a protective system in an excavation more than seven feet deep and to support, protect or remove underground installations to safeguard workers. A willful violation is defined as an intentional disregard of or plain indifference to the OSHA law and regulations.

The serious violations involve employee exposure to hazards associated with excavations, including failure to: remove employees from a hazardous excavation; support adjoining structures; locate any spoils pile at least two feet from the edge of the excavation; provide a safe way to exit the trench, protect workers from water accumulation in the excavation. A serious violation is issued when death or serious physical harm could result from a hazard about which the employer knew or should have known.

Failure to protect employees from protruding re-enforcement steel and not maintaining a required log of injuries and illnesses resulted in the other-than-serious citations against the company. Other-than-serious violations are hazards not likely to cause death or serious physical harm but directly and immediately related to employee safety and health.

The company has 15 working days from receipt of the citations to comply, request an informal conference with the OSHA Houston South area director, or contest the citations and proposed

penalties before the independent Occupational Safety and Health Review Commission. Employers and employees with questions regarding safety and health standards may contact OSHA's Houston South Office at (281) 286-0583 or may call OSHA's toll-free hotline at 1-800-321-6742 to report workplace accidents, fatalities, or situations posing an imminent danger to workers.

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

#

U.S. Labor Department releases are accessible on the Internet at <http://www.dol.gov>. The information in this news release will be made available in alternate format upon request (large print, Braille, audio tape or disc) from the COAST office. Please specify which news release when placing your request at (202) 693-7765 or TTY (202) 693-7755. The U.S. Department of Labor is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit www.dol.gov/compliance.

 [OSHA News Release - Table of Contents](#)

 [Back to Top](#)

www.osha.gov

www.dol.gov

[Contact Us](#) | [Freedom of Information Act](#) | [Customer Survey](#)
[Privacy and Security Statement](#) | [Disclaimers](#)

Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, DC 20210