



## *Fatal Trench Collapse in Boston Leads to Manslaughter Charges*

### **OSHA Issues Numerous Citations & Heavy Penalties as well**

In yet another examples of OSHA's crackdown and city prosecutor crackdowns on workplace fatalities an owner of a construction company in Boston has been charged with manslaughter due to a trench collapse that killed one of his employees. In addition to the charges, OSHA issued eighteen willful, repeat, serious and other than serious violations of workplace safety standards and proposed **\$1,475,813** in citations. This is yet another example of the harsh penalties and crackdown by city prosecutors and OSHA. Please, be sure to train your employees, enforce your safety policies and follow OSHA standards. You cannot afford not to!

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### **Employer in fatal Boston trench collapse did not provide safety training and basic safeguards for employees, OSHA finds**

Atlantic Drain Service Co. Inc. cited for 18 violations

**BOSTON** – Robert Higgins and Kelvin Mattocks died on Oct. 21, 2016, in Boston, when the approximately 12-foot deep trench in which they were working collapsed, breaking an adjacent fire hydrant supply line and filling the trench with water in a matter of seconds.

An investigation by the U.S. Department of Labor's [Occupational Safety and Health Administration](#) found that their employer, Atlantic Drain Service Co. Inc., failed to provide basic safeguards against collapse and did not train its employees – including Higgins and Mattocks – to recognize and avoid cave-in and other hazards.

“The deaths of these two men could have and should have been prevented. Their employer, which previously had been cited by OSHA for the same hazardous conditions, knew what safeguards were needed to protect its employees but chose to ignore that responsibility,” said Galen Blanton, OSHA's New England regional administrator.

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OSHA's inspection determined that Atlantic Drain and owner Kevin Otto, who oversaw the work on the day of the fatalities, did not:

- Install a support system to protect employees in an approximately 12-foot deep trench from a cave-in and prevent the adjacent fire hydrant from collapsing.
- Remove employees from the hazardous conditions in the trench.
- Train the workers in how to identify and address hazards associated with trenching and excavation work.
- Provide a ladder at all times so employees could exit the trench.
- Support structures next to the trench that posed overhead hazards.
- Provide employees with hardhats and eye protection.

**As a result, OSHA has cited Atlantic Drain for a total of 18 willful, repeat, serious and other-than serious violations of workplace safety standards and is proposing \$1,475,813 in penalties for those violations. OSHA cited Atlantic Drain trenching worksites for similar hazards in 2007 and 2012. The full citations can be viewed [here](#).**

**In February, a Suffolk County grand jury indicted Atlantic Drain and company owner, Kevin Otto, on two counts each of manslaughter and other charges in connection with the deaths. OSHA and the department's Regional Office of the Solicitor worked with the department's Office of the Inspector General, the Boston Police Department's Homicide Unit and the Suffolk County District Attorney's Office during the course of this investigation.**

Atlantic Drain has 15 working days from receipt of the citations and proposed penalties to meet with OSHA's area director, and to contest the citations before the independent [Occupational Safety and Health Review Commission](#), if it chooses to do so.

The walls of an unprotected trench can collapse suddenly and with great force, trapping and engulfing workers before they have a chance to react or escape. [Protection](#) against cave-in hazards may be provided through shoring of the trench walls, sloping the soil, or by using a protective trench box. Employers must ensure that workers enter trenches only after adequate protections are in place to address cave-in hazards. More information about protecting employees in trenches and excavations can be found [here](#) and [here](#).

"We want to emphasize to all employers that trenching hazards can have catastrophic consequences if they are not addressed effectively before employees enter a trench," said Blanton.





To ask questions, obtain compliance assistance, file a complaint, or report amputations, eye loss, workplace hospitalizations, fatalities or situations posing imminent danger to workers, call OSHA's toll-free hotline at 800-321-OSHA (6742) or the nearest [OSHA Area Office](#).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful working conditions for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

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