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Occupational Safety & Health Administration

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**OSHA News Release**

**2002 - 10/03/2002 - Confined Space Fatality Brings Nearly \$69,000 In OSHA Fines For Bradenton, Fla. Firm**

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# OSHA Regional News Release

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

**Region 4**

**Region 4 News Release USDOL: 02-200**

**Date: Thurs., Oct. 03, 2002**

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**Confined Space Fatality Brings Nearly \$69,000 In OSHA Fines  
For Bradenton, Fla. Firm**

**BRADENTON, Fla.** -- Failing to protect employees working in a confined space, which caused the death of one worker and injured three others, could cost Bradenton-based E.T MacKenzie of Florida, Inc. \$68,700 in penalties, according to the U.S. Labor Department's Occupational Safety and Health Administration.

The fatality occurred Sept. 27 at a new subdivision in Nokomis, Fla., when a work crew of six, including three Hispanic brothers, accidentally broke a grinder pump, allowing sewage to enter a 23-foot deep, four-foot wide temporary lift station in which they were working.

When one of the brothers, sent into the confined space to make repairs, was overcome by toxic fumes, a second brother quickly entered and tied a rope around him so he could be lifted to safety. While another employee pulled the first victim to safe ground, the rescuer sank beneath the sewage. A third brother then entered the deadly lift station, located his brother and was pulled, along with his brother's body, to the surface. The three surviving employees were treated for exposure to hydrogen sulfide.

"This tragic series of events could have been avoided if all work had stopped as soon as the high pressure feed broke off the grinder pump," said Les Grove, OSHA's Tampa area office director. "If the employees had been properly trained, they would not have re-entered the hazardous confined space."

OSHA fined the company \$49,000 for one willful violation for knowingly allowing workers to enter a confined space at a construction site without proper training on hazard recognition and protection.

An additional penalty of \$19,700 was proposed for five serious violations -- no competent person to conduct frequent and regular inspections of the confined space; failure to provide appropriate personal protective equipment; failure to use accepted engineering control measures, such as forced ventilation, in the confined space; lack of a fall protection system to prevent employees from falling into the manhole, and use of a defective ladder.

Grand Ledge, Mich.-based E.T. MacKenzie Co. employs about 250 workers nationwide installing underground pipe, vacuuming sewers and performing some sewer-manhole work. The company, which has about 50 workers in Florida, has 15 working days to contest the OSHA citations and proposed penalties before the independent Occupational Safety and Health Review Commission. Investigation of the accident was conducted by OSHA's Tampa area office; telephone 813-626-1177.

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