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OSHA News Release

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OSHA Regional News Release

U.S. Department of Labor
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Region 4

Region 4 News Release

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OSHA Cites Gwinnett County Contractor Involved in Trenching Fatality
Agency Proposes Over \$100,000 in Penalties

ATLANTA -- The U.S. Labor Department's Occupational Safety and Health Administration (OSHA) has issued citations for alleged safety violations to EKK Grading & Development Inc., for exposing workers to trenching hazards at a Gwinnett County subdivision construction site.

OSHA began an inspection of the Suwanee Brooke work site after being notified that a worker died when a trench wall collapsed at 2:00 a.m. on Dec. 17, 2003. According to the agency's investigation, employees had worked several nights prior to the fatal accident under extremely hazardous conditions.

"To ensure that worker injuries and fatalities continue to decline, we must make sure that employers protect employees from trenching hazards," said U.S. Secretary of Labor Elaine L. Chao. "The significant penalty of \$106,400 in this case demonstrates the Administration's commitment to protecting the health and safety of American workers."

OSHA cited EKK Grading for two alleged willful violations, with proposed penalties of \$98,000, for failing to provide employees working in a 17 foot-deep trench with a protective system and failing to keep a 10-foot-high pile of excavated soil at least two feet from the trench edge. The agency issues a willful citation when an employer has shown an intentional disregard of, or plain indifference to, the requirements of the Occupational Safety and Health Act and regulations.


The Sugar Hill-based company also received two alleged serious violations, with proposed penalties of \$8,400, for failing to provide trench safety training to workers and for allowing employees to work in trenches where rainwater had accumulated. 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.

EKK Grading has 15 working days to contest the OSHA citations and proposed penalties before the independent Occupational Safety and Health Review Commission. The work site was inspected by OSHA's Atlanta-East area office located at La Vista Perimeter Office Park, Bldg. 7, Suite 110, Tucker, Ga.; phone: (770) 493-6644.

The U.S. Department of Labor's Occupational Safety and Health Administration conducted almost 40,000 inspections in fiscal year 2003, an increase of more than 2,000 over fiscal year 2002 inspection levels; more than half focused on high-hazard industries. 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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