

Investigation Process

What triggers an investigation by the N.C. Department of Labor's Occupational Safety and Health Division?

- A worker's death.
- Hospitalization of an employee, an amputation or the loss of an eye.
- The department may also receive information of a fatality or catastrophe from media reports or referrals from other government agencies.

How is the NCDOL OSH Division notified?

- An employer must notify NCDOL within eight hours of any work-related fatality. In-patient hospitalizations of one or more employees, any work-related amputation, and any work-related loss of an eye must be reported within 24 hours.

What will the investigation focus on?

- The investigation will usually be limited to the events surrounding the accident unless observations at the site indicate a broader investigation is needed.

What will happen during the investigation?

- An OSH investigator will go to the accident site and collect physical evidence, including photographs.
- The investigator will interview employees, witnesses and management officials about the accident to determine its cause.
- Any violations of safety and health standards will be noted and citations will be issued.

How long will the investigation take?

- An investigation can take anywhere from a few weeks to six months, depending on the complexity of the accident.

When are investigation results disclosed?

- Citations and penalties, if issued, can be released to the public on the issuance date.
- Other contents of the file cannot be released until the case is closed or final order on citations is rendered.



Photo: NCDOL/Neal O'Briant

Employees working in this trench need to stay in the area protected by the trench box. Note that the spoil pile is too close to the edge of the trench. It should be at least 2 feet away.

The Investigation

OSH investigators will seek to determine several factors, including whether:

- Employees were provided a protective system. Protective systems include sloping the sides of the trench or providing a shield (trench box) between the trench sides and the work area.
- The slope was appropriate for the type of soil.
- A "competent" person, someone qualified to detect hazards who has the authority to stop work, tested the soil.
- Soil was placed at least 2 feet from the trench's edge.
- Factors such as vibrations from machinery and traffic that can affect soil stability were considered.
- Employees had safe exits from trenches 4 feet deep or deeper.
- Employees wore hard hats to protect from falling debris.

Standards: 29 CFR 1926, Subpart P—Excavations

Industry Type: Construction

Accident Type: Crushed-by/trench cave-in

Statistical Data: From Oct. 1, 2013, through Sept. 30, 2014, NCDOL investigated 40 workplace fatalities, including 17 in construction.



N.C. Department of Labor

Cherie Berry, Commissioner

N.C. Department of Labor
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101
www.nclabor.com
1-800-625-2267

What programs does the Department of Labor have in place to prevent trenching accidents?

Construction special emphasis program: Increased training and attention in a dangerous industry.

Free training: Workshops, training and consultation in both English and Spanish.

Publications: Industry guides that pinpoint the hazards associated with working in trenches.