

# Boston: Two excavation workers drown in a 12-foot-deep trench

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24 October 2016

Early Friday afternoon a water line burst under Dartmouth Street in Boston, killing two workers in a 12-foot deep trench that was only two feet wide. The excavation was being done by Atlantic Drain Services, Inc., which had been hired by a property owner on the street. At the time of this writing the cause of the burst pipe had not been determined, but Atlantic has a long history of unsafe working conditions.

Witnesses described the speed at which the trench filled with water, drowning both men.

A worker from a different project was walking by on his lunch break when he heard Kelvin Mattocks and Robert Higgins screaming for help. Steven Smith Jr. tried valiantly to rescue Mattocks and Higgins, even trying to get into the water himself. But the flood “rose so quick, it was almost like it never happened ... they just disappeared under the water,” he told the *Boston Globe*. Recovering the bodies took seven hours.

A woman working nearby told the *Globe* that “it went from nothing to a flood ... all of the sudden, there was water in the street.” Two other workers who had been in the trench did manage to escape.

Mattocks, a grandfather with four children, and Higgins, who was happy to find work after a long period of unemployment in Rhode Island, were killed not just by flooding from the broken pipe but also by dirt and gravel that washed down from the inside of the trench. City regulations for street excavation work state clearly: “Street Openings deeper than five (5) feet shall require shoring and bracing ... this includes where unsafe conditions are created due to composition of the soil ... or construction operations.”

Atlantic Drain did not shore up the walls of its trench. Firefighters and other rescue personnel brought in a brace after the flooding subsided, in order to protect themselves while retrieving the bodies of Mattocks and

Higgins. Regulations of the US Department of Labor’s Occupational Safety and Health Administration (OSHA) also state that contractors for such projects must station a rescue team outside of the trench. Atlantic Drain, which did not have a rescue team on site Friday, had already been cited by OSHA for lacking such teams on projects in the same neighborhood, in June 2015 and March 2016.

Between 2007 and 2015 OSHA fined Atlantic Drain a total of almost \$150,000 for 23 separate workplace violations, 14 of them serious. OSHA’s quarterly Severe Violator Enforcement Program reports for 2013, 2014, 2015 and 2016 list the company repeatedly.

Such companies, however, are able to continue making profits while risking the lives of their workers. Atlantic Drain was so unafraid of OSHA’s enforcement that the federal agency ended up referring \$74,000 of the unpaid fines to a private bill collector.

OSHA’s budget was flat funded at a paltry \$552 million in government fiscal years 2014, 2015 and 2016. Because of yearly inflation, the lack of an increase amounts to a de facto budget cut each year. This budget, which supposedly protects hundreds of millions of workers nationwide, is less than the cost of two F-22 fighter jets.

A Boston permitting database shows an active excavation permit granted to the owner of 9 Dartmouth Street, and one to the owner of 12 Dartmouth Street. The city collected a total of almost \$14,500 for these permits, while not making any effort to stop Atlantic Drain from risking the lives of its workers. City regulations require that permit applicants carry at least \$1 million in liability insurance, not for the safety of their workers but to protect against lawsuits and damages.

Atlantic Drain is far from the only Massachusetts

contractor exposing its workers to deadly risks. In January, OSHA “proposed” penalties totaling nearly \$190,000 on a Framingham roofing company that provided shoddy scaffolding and no safeguards on a job more than 26 feet off the ground. OSHA cited that company for two willful, seven repeat, and seven serious violations.

In September 2015, 24-year-old Nick Dumont was killed in a crane accident in the city of Taunton, “when a crane violated safety protocols and swung into the steel beam he was harnessed to,” according to the *Taunton Gazette*. A month earlier, Kevin Miranda died in the same city when the aerial lift he was working on fell over.

In 2015, construction accidents killed 18 people in Massachusetts during a period in which growing income inequality has been accompanied by a construction boom. In 2014, a total of 3,600 nonfatal construction injuries were recorded in the state, including 2,000 workers who were so seriously hurt that they “could no longer perform one or more of the main functions” of their trade, according to state records. The 3,600 injuries equate to 3.3 per full-time-equivalent (FTE) worker, slightly lower than the national average of 3.6.



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