

# Two construction workers killed in trench collapse at New York's JFK airport

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Two workers—Francisco Reyes, 41, and Fernando Lagunas Pereira, 28—were killed at a John F. Kennedy International (JFK) Airport construction site on Monday when the trench in which they were working collapsed, burying them under debris. Despite rescue efforts, both died at the scene. Details regarding the exact cause of the collapse and what safety measures were in place are not available as of this writing, although one report indicates that a concrete slab fell into the trench. Construction activities were suspended but airport operations were not interrupted.

The work which took their lives involved the relocation of utility lines, part of an \$18 million airport expansion project including the expansion of two existing terminals and the construction of two new ones, at the airport located in the borough of Queens in New York City. The deaths are under investigation by the US Labor Department. The name of the contractor that employed the dead workers has not been released.

New York governor Kathy Hochul issued a pro forma statement on Twitter that her “thoughts are with the loved ones of [the] two people tragically killed.”

This incident represents the third workplace fatality at JFK Airport during the past month, according to City Council Speaker Adrienne Adams. The airport, operated by the Port Authority of New York and New Jersey, is reportedly under pressure to accelerate the construction work to accommodate a recent increase in air travel, as the last of the pandemic restrictions have been eliminated.

Worker fatalities associated with trench work in the US have been increasing in recent years. Data reported by the federal Occupational Health and Safety Administration (OSHA) indicates that 15 people died during trench and excavation work in 2021. That rose to a total of 39 in fiscal year 2022, the highest since at

least 2017. In a statement that exemplifies the complacent attitude of the federal agency nominally charged with safeguarding worker safety, Occupational Safety and Health Administration (OSHA) Region 6 Deputy Regional Administrator Stephen Boyd said that he expected the trend of increasing deaths to continue.

The laissez faire attitude of the federal agency is exemplified by the minimal penalties for serious and other-than-serious violations, \$15,625 per violation.

In New York City, OSHA reported that overall construction worker deaths reached 22 in 2022. This is the highest total in at least five years. The New York Committee for Occupational Safety and Health (NYCOSH) found that there was a 49 percent increase in construction worker deaths in New York state in 2021, a total of 61, up from 41 in the previous year. The proportion of construction-related deaths versus all worker deaths was approximately one-quarter during both years.

A new city law recently went into effect that provides for fines of up to \$500,000 on construction companies convicted of criminal negligence in construction worker deaths or severe injuries. The law, known as Carlos' Law, is named after 22-year-old Ecuadorian immigrant Carlos Moncayo, who was buried alive in a 13-foot trench in 2015. The practical effect of this law is questionable, however, given that it relies on enforcement by municipal prosecutors in a city in which the real estate industry wields considerable influence. The bill to establish Carlos' Law was watered down from its original form by the elimination of a minimum fine, thus allowing for a symbolic slap on the wrist.

JFK Airport is under federal jurisdiction and not subject to city regulations, so Carlos' Law will not apply to the latest deaths.

The construction industry is dangerous and highly exploitative. In 2021, 53 percent of the construction workforce consisted of immigrants, according to the state comptroller's office. Newly arrived immigrants, desperate for work, are easy prey for employers. Pay as low as \$10 per hour has been reported. The hyper-exploitation of immigrant workers is reflected in their elevated death rate. A 2022 NYCOSH report found that in 2020, although only 10 percent of construction workers in New York state were Latino, 18 percent of fatalities were suffered by Latino men.

The criminal indifference to worker deaths on the part of the capitalist system is glaringly exemplified by the response to the COVID-19 pandemic. Even the minimal measures initially instituted in response to worker protest have now been eliminated in the quest to maximize profits above all. Worker sickness, injury and death are simply viewed as the negligible cost of doing business. That will not change until workers take power into their own hands and establish a socialist society in which the people's welfare is the primary goal.



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