

Construction contractor had a history of serious safety violations

# Worker killed in trench collapse in Massachusetts

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The collapse of a trench at a worksite in West Yarmouth, Massachusetts, on November 18, claimed the life of 61-year-old worker Miguel Reis and injured two others. Reis, of Fall River, was buried and killed by the collapsing trench. He was married with two children and was an involved member of the Portuguese community in Fall River, where he had lived for over 40 years. A second worker was buried up to his waist for more than four hours while firefighters and rescue teams tried to free him. A third worker was able to escape the trench himself shortly after it collapsed.

The site at 152 South Shore Drive was being run by Revoli Construction, a company that has been subject to at least six Occupational Safety and Health Administration (OSHA) investigations in the last 10 years. The company has a history of serious and willful safety violations going back decades.

The devastating collapse at the worksite occurred just before 9:00 a.m. in the morning. The site is just steps away from the location of a previous OSHA violation in which Revoli Construction was fined \$6,950 in February. The worker who had been buried up to his waist was finally freed at 1:20 p.m. and had to be flown by medical helicopter to Rhode Island Hospital trauma center. Despite a massive mobilization of regional fire departments and other emergency services, the rescue teams could not recover Reis's body until 2:45 p.m.

Revoli Construction was already embroiled in an ongoing legal dispute, in part over safety, with the Town of Yarmouth. Despite the company's history of habitual and ongoing violations, Yarmouth officials handed Revoli an \$18 million contract to build a sewage system in the town.

Yarmouth is in the tourist area of Cape Cod in which more than 85 percent of homes use septic systems rather than sewers, and only 15 to 20 percent are on centralized wastewater treatment. The town explicitly picked Revoli Construction for the work because it was the lowest bidder for the contract, enabling its corner-cutting business practices and setting the stage for a disaster.

The worksite was part of a \$207 million sewer improvement project in Yarmouth that is planned to go on for decades, with the ongoing first phase along Route 28 expected to take a total

of five years to complete. The complex project has resulted in constant road closures and traffic disruptions in a part of Yarmouth that is heavily traveled and crowded with businesses and restaurants. The disruptions have frustrated residents and tourists, creating a high-pressure environment around the project.

As part of the project, a major \$18 million contract was awarded to Revoli Construction in 2023. Based in Franklin, the company has left a stunning trail of safety violations, fines and lawsuits wherever it has done business.

In the aftermath of the recent tragedy, the town is claiming it was compelled to select Revoli because it was the lowest bidder for the project. According to Yarmouth Town Administrator Robert Whritenour, state laws provide "very little flexibility" in terms of selecting a contractor as long as they are certified by the Massachusetts Division of Capital Asset Management and Maintenance.

Despite this argument, which has been raised to deflect blame, there was no legal mandate forcing the town to give the contract to Revoli Construction. In fact, a specific provision to deal with public safety, which can be found in Massachusetts General Laws Chapter 149, Section 44A, states:

"The contract shall be awarded to the lowest responsible and eligible bidder, except that the awarding authority may reject all bids if it is in the public interest to do so." The town's own legal disputes with Revoli show that they were both aware of the dangers represented by doing business with the contractor and ample grounds to reject its bid.

Revoli Construction has a documented history of safety violations and enforcement actions by OSHA and was already in a civil lawsuit with the Town of Yarmouth that raised safety concerns. Revoli Construction "has quite a pattern of safety violations," according to the executive director of the Massachusetts Coalition for Occupational Safety and Health (MassCOSH). This is an understatement. A review of recent and notable OSHA investigations includes:

- Violation over an unprotected trench in Littleton in August 2023, where two workers were found working by OSHA. OSHA requires protective systems (like sloping, benching,

shoring or shielding) for all excavations 5 feet deep or greater, except in stable rock. The unprotected trench was between 5 1/2 and 7 1/2 feet deep. The trench was also found to have a lack of a safe exit route, and workers were found to be working under a suspended excavator load. This was classified as a serious violation with a \$16,875 initial fine that was reduced to \$5,625 during settlement.

- Violation over electrocution risks and inadequate jobsite oversight at 174 South Shore Drive on December 20, 2024, just steps away from the site of the disaster on November 18. Indoor rated electrical connectors were found to be left lying on wet ground, which could have resulted in electrical burns, arc flash or electrocution. OSHA initially fined Revoli Construction \$13,000 in penalties but this was reduced to \$6,950 in the final settlement.

- A violation in Gloucester in 2005 where workers were found working in an unprotected 14-foot trench. The company was cited for 12 willful and serious violations with fines initially being set at \$115,000.

- Earlier violations and lawsuits include a willful violation in 1998 and a 1995 settlement in which Revoli agreed to notify OSHA any time it opened a trench, after paying a \$40,000 fine.

Neither the state certification agencies nor the Town of Yarmouth were ignorant of this long and tangled history of serious and willful violations by Revoli. Nonetheless, they proceeded to allow the company to work on projects that continued to put lives in danger and cut corners to maximize profits. The corner cutting and utter disregard of safety is one of the primary reasons Revoli Construction was the lowest “qualified” bidder for the project in Yarmouth.

Trench collapses are a major threat facing construction workers, with construction being the most dangerous industry in the United States. There were 373 trenching deaths nationwide between 2003 and 2017. In 2016 two workers died in Boston when a 12-foot trench filled with water after a fire hydrant burst. OSHA fined the company responsible \$1.4 million.

Recent years have seen a rising number of trench collapse deaths, with 39 deaths in 2022 alone. Citations and the paltry fines imposed by OSHA, often reduced further on appeal, provide scant deterrent. A database compiled by National Public Radio of trench collapse deaths between 2013 and 2023 revealed that in trench collapses that resulted in deaths, only 5 percent of employers were criminally charged. They found that most got away with “little punishment.”

The rising toll of deaths is by no means limited to construction. In Bourne, another town on Cape Cod, a cranberry bog worker was crushed on Friday, November 21, when a piece of equipment rolled over him. OSHA is investigating that case as well.

The deaths in Massachusetts are part of the ongoing industrial slaughterhouse in the US. This includes the recent deaths of U.S. Postal Service workers Nick Acker, 36, and

Russell Scruggs, Jr., 44, at mail distribution centers in Michigan and Georgia.

Three recent mass casualty disasters reported by the WSWS include the crash of a UPS cargo plane which leveled industrial businesses and killed 14 people on November 4. Before that, there was the death of 16 workers in an explosion at a Tennessee munitions plant on October 10 and an explosion on August 11 at US Steel’s Clairton Coke Works that killed two workers and injured 10 others.

In 2023, the last year reported by the AFL-CIO, 5,240 workers died from traumatic occupational injuries. Despite this, in 2024, there were only 1,802 OSHA inspectors to inspect 11.8 million workplaces, covering 161 million workers. The average penalty for serious violations was only \$4,083 for federal OSHA and \$2,580 for state plans.

The *World Socialist Web Site* has described the chronic fatalities and injuries of workers and the millions of industrial accidents that occur in the United States as “America’s industrial slaughterhouse.”

Under the Trump administration, there has been massive deregulation and reduced government oversight and standards, including the Trump administration’s attempt to remove the “general duty clause,” which covers workplace safety violations that are not covered by an existing category.

These recent workplace tragedies are rooted in the subordination of all aspects of social life to the bottom line of Wall Street. No confidence can be placed in OSHA, the corporate controlled media or pro capitalist union to put a stop to these needless and preventable deaths. We urge workers to build rank-and-file committees in every workplace, democratically controlled by workers themselves and independent of the union apparatus.

We urge construction workers, and workers in all industries, who want to share information, expose unsafe conditions and take up the fight to build rank-and-file committees to contact the *World Socialist Web Site* today by using the form below.



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