Securing a Construction Site Fatality File

A 22-year-old man was killed when the 14-foot-deep trench in which he was working collapsed and buried him beneath tons of soil and debris.

Carlos Moncayo of Queens was working on the construction of a Restoration Hardware store in Manhattan on April 6, 2015, when he was killed on the job.

In an investigation, OSHA found that the project's general contractor, Harco Construction LLC of New York City, and Moncayo's employer, subcontractor Sky Materials Corp. of Maspeth and Calverton, did not provide cave-in protection for the trench or support or brace a section of undermined and unsupported sidewalk to prevent it from collapsing into the trench.

"Carlos Moncayo was a person, not a statistic. His death was completely avoidable. Had the trench been guarded properly against collapse, he would not have died in the cave-in," said Kay Gee, OSHA's area director in Manhattan.

"Managers from Harco and Sky Materials were aware of these deadly hazards and did not remove employees from the trench, even after warnings from project safety officials. This unconscionable behavior needlessly and shamefully cost a man his life."

OSHA issued each employer two citations for willful violations of workplace safety standards and assessed fines of $140,000 – the maximum fines permitted – for each company.

In addition to the OSHA citations, officials from both companies were indicted for manslaughter, among other charges on Aug. 5 in New York State Supreme Court.

“Eighteen New York City construction workers have died on the job this year. That is an unacceptable toll,” said Robert Kulick, OSHA’s regional administrator in New York.

“Construction work hazards are well-known, and so are safeguards to prevent deaths and injuries. Employers must provide a workplace that allows employees to return home safely at the end of each workday.”