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Officials begin inquiry into trench collapse

Dept. of Labor has six months to finish report

By William C. Bayne (Contact), Memphis Commercial Appeal
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Federal officials have begun the fact-finding portion of their investigation into a deadly collapse of a trench in Horn Lake Tuesday afternoon.

David Wayne Mooneyhan, 46, of Coldwater was killed when the east wall of a 17-foot trench collapsed on top of him.

Bertram Hill, 50, of Hernando was recovered after rescue crews struggled for more than eight hours to dig him out.

Hill was listed in serious condition at the Regional Medical Center at Memphis Wednesday, but was later upgraded to fair condition and released.

David Linville, the Horn Lake fire chief who directed the recovery effort, said he was contacted Wednesday by Denise Thomas, an investigator for the Occupational Safety and Health Administration.

"She wanted the names of all the people at the scene and she asked for photographs and any videos we had," he said. "She also went to the site and took measurements."

"Our investigators have up to six months to complete their report," said Mike Wald, public affairs officer for the Department of Labor's Southeast Regional Office in Atlanta.

OSHA is under the Department of Labor.

"They will take measurements and attempt to talk with everyone who was on the site. Their goal is to determine whether there was any violation of OSHA standards."

OSHA investigators are directed to report any violations connected with the accident or any other OSHA violations that are observed.

"Our investigators are not limited strictly to the accident itself," Wald said.

Linville said Thomas referred to several pieces of plywood and other wood she had spotted along the sides of the trench.

"I told her that we had used that material to shore up the bank during the recovery effort," he said. "She asked if I had seen any bracing materials in the trench before we started the recovery, and I said that I hadn't seen anything like that."

Wald said the investigation is being directed by Clyde Payne, the director of the Jackson area office.

"He will determine what staffing he needs to complete the report."

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At the conclusion of the fact-finding, Wald said OSHA would meet with the employer or contractor in what is termed an informal conference.

"We explain our findings and discuss any citations we might issue," he said. "If the employer agrees to the violations and the punishment, that's the end of it."

"But the employer then has 15 days to appeal to an independent review commission. If an appeal is made, the matter is referred to an administrative law judge."

He said the final report by OSHA is a public document, but the agency issues no interim reports.

"The only statement we will make concerning the incident is the final report. We have up to six months to make that report, but it could come sooner than that," Wald said.

Wald said he could not comment specifically on the Tuesday afternoon cave-in, but he said some investigations show criminal violations.

"In cases where we find criminal violations, our findings are turned over to the Department of Justice for prosecution," he said.

– William C. Bayne: (662) 996-1408



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