

# ADDING FUEL TO FIRE: OSHA FOCUSES ON TRENCHING INSPECTIONS – EVEN ON WEEKENDS – WITH HEAT PROGRAM STILL IN FORCE

Insights  
Jul 15, 2022

The Occupational Safety and Health Administration (OSHA) is responding to what it notes as a rising trend in trench-related fatalities. Citing its [National Emphasis Program \(NEP\) for excavations](#), [OSHA announced](#) yesterday that compliance officers will perform more than 1,000 trench inspections nationwide, which means they may stop by and inspect any excavation site during their daily duties – even on the weekends. Moreover, OSHA said it will place additional emphasis on how agency officials evaluate penalties for trenching and excavation related incidents, including criminal referrals for federal or state prosecution. With employers already addressing OSHA's NEP for heat-related injuries and illnesses, what can employers do to prepare for OSHA's new focus?

## What Worksites Are Covered?

OSHA's [trenching standards](#) apply to any "open excavations made in the earth's surface." Excavations include trenches and are defined as "any man-made cut, cavity, trench, or depression in an earth surface, formed by earth removal," according to OSHA.

## What Should Employers Do?

As you can see, the standard is extremely broad and will cover many outdoor worksites. Employers should remember that [trenching standards](#) require, [among other things](#), that:

- [Protective systems](#) such as sloping or benching, shoring, and trench boxes or other supports must be in place on

## Related People



**J. Micah Dickie**

Partner

[404.260.3419](tel:404.260.3419)

---

## Service Focus

[Counseling and Advice](#)

[Workplace Safety](#)

trenches deeper than five feet.

- Soil and other materials must be kept at least two feet from the edge of a [trench](#).
- Daily inspections of excavations, the adjacent areas, and protective systems must be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. Given that an OSHA inspector can drop by any time, employers should ensure competent persons at each excavation site, even during night and weekend work.
- These inspections must be done prior to the start of work and as needed throughout the shift.
- Trenches must be free of standing water and atmospheric hazards.
- A stairway, ladder, ramp, or other safe means of exiting the trench must be located in trench excavations that are four feet or more in depth requiring no more than 25 feet of lateral travel for employees.

### **Will Trenching Inspections Be Limited to Just Trenching Hazards?**

No. Once an inspection has begun, OSHA can address any hazard its inspectors see at a worksite. So, you should ensure that the scope of the inspection is determined and negotiated during the opening conference. One thing is for certain, however: Given OSHA's recent focus on heat-related injuries and illnesses, any inspection involving trenching and excavation will involve questions about your efforts to mitigate heat related injuries and illnesses. You should remember that OSHA has a National Emphasis Program for the prevention of heat-related injuries and illnesses, which is [discussed in more detail here](#).

### **4 Steps to Avoid Heat-Related Issues**

During the summer months, there are actions you can take to avoid scrutiny under the heat injury and illness NEP and protect your workers from heat-related concerns, including the following four steps:

1. Draft a prevention program to mitigate heat-related injuries and illnesses;

2. Designate someone at each worksite to monitor worker health and conditions on days of extreme heat;
3. Conduct a hazard analysis of job duties or positions that could involve exposure to extreme heat, including an analysis of outdoor and indoor workspaces; and
4. Review your OSHA 300 logs from the past few years to quantify what injuries or illnesses, if any, are or could have been heat related and implement plans to address those situations moving forward.

## **Conclusion**

If you have any questions, contact the author of this insight, another member of our [Workplace Safety Practice Group](#), or your Fisher Phillips attorney for guidance. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information on OSHA issues.