

LONG ISLAND / NASSAU

# Roslyn contractor fined \$135,000 for deadly 2020 trench collapse in Upper Brookville



Photo from the scene of the collapse on Wolver Hollow Road in Upper Brookville in January 2020.

Credit: Newsday/Thomas A. Ferrara

**By Matthew Chayes**

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The federal workplace-safety regulator has fined a Roslyn contractor \$135,612 for last year's deadly trench collapse in Upper Brookville that killed two workers, who were buried under mud and sand during the installation of a septic tank.

Deniz Dos Santos Almeida, 57, and Max Antonio Turcios, 46, were stuck in a five-to-seven-foot wall of the mud and sand after the 30-foot trench collapsed. The men were working for the contractor, RC Structures Inc. of Roslyn.

The U.S. Occupational Safety and Health Administration announced on Wednesday that the contractor had agreed both to pay the fine and cease digging excavations. The regulator also criticized the contractor for failing to protect the workers and ignoring a warning from an employee on site that the trench posed a cave-in hazard.

"A trench can collapse suddenly and with great force, crushing and burying workers in an instant. Amid such dangerous conditions, employers must follow all excavation safety requirements and remove employees to prevent tragedies like this," the regulator's Long Island area director, Kevin Sullivan, said in a news release.

The collapse happened just before 5 p.m. on Jan. 28, 2020, at the site on Wolver Hollow Road, where septic rings were being installed.

The company "did not provide a protective system to prevent a trench collapse, and did not remove the employees from the trench after a competent person employed by the company had identified a cave-in hazard. OSHA also found the trench lacked an adequate ladder or other safe means of exit and that the company allowed stacked concrete and excavated materials to be stored at the trench's edge."

RC Structures also failed to safeguard its workers with head protection, the regulator said, "exposing them to struck-by hazards."

The company agreed to develop a safety checklist, place a competent person on site to make sure it's followed, hire a consultant to conduct at least one on-site assessment and enact companywide training on ladder safety and hard-hat use, the regulator said.

A message left with the company wasn't returned.

Upper Brookville Mayor Elliot Conway in January 2020 said the village was reviewing building permits to make sure "everything was appropriately done." Reached on Friday at home, Conway referred inquiries to village hall. A recording said village hall was closed Friday.

RC Structures' website says the company, which does superstructure, foundation and concrete work, was established in 2006 and has constructed dozens of mid- to high-rise building projects "on time and on budget"

An obituary posted on a funeral home website said that Almeida, of Kenilworth, New Jersey, was a longtime foreman for the company who was born in Portugal and immigrated at age 23.

A short obituary for Turcio said he was to be buried in Honduras.

The men's families could not be reached for comment Friday.

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