

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

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The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

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New Mexico Environment Department cites City of Roswell for death of worker in trench and issues \$637,311 fine

SANTA FE – The New Mexico Environment Department issued willful and serious citations with penalties of \$637,311 to the City of Roswell following a six-month investigation by its Occupational Health and Safety Bureau (OHSB) into the fatal injury of a city utility worker.

In the early morning hours of October 21, 2023, four members of an on-call crew for the City were dispatched to repair a leaking water main. One of the crew members was working within a trench to repair the leaking pipe when the earth walls caved in, trapping the worker. The other crew members and emergency personnel were unable to rescue the buried worker before he died.

“This tragic accident could have been prevented if the city had complied with its own policies and OSHA standards,” said **OHSB Chief Bob Genoway**. “The city did not take the necessary safety steps including training workers, inspecting worksites, and using shoring or other protective systems, to ensure trenches were made safe before workers entered.”

OHSB cited the city for four willful violations, with penalties of \$621,768, including:

- Failing to train workers on excavation safety requirements.
- Failing to have a person competent in excavation safety inspect the trench prior to entry.
- Failing to prevent water accumulation in the trench while crew members were making repairs.
- Failing to use protective methods like sloping, shoring or a trench box to prevent walls from collapsing.

The Bureau also issued one serious citation to the city for failing to ensure a method of escape from the trench, such as a ladder, which was not used. The penalty for the serious violation is \$15,543.

“Every employer, including municipalities, must ensure their workers are properly trained and provided required equipment to safely perform jobs,” explained **Deputy Cabinet Secretary Sydney Lienemann**. “This tragedy serves as a reminder of the consequences of failing to protect workers.”

The city has 15 business days to either pay the penalties or contest the citations before the Occupational Health and Safety Review Commission.

The citations are available [here](#).

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