



Printed from: *Boston Herald* (<http://bostonherald.com>)

Death at Pinehills spurs probe

Friday, July 26, 2013 -- Anonymous (not verified)

Diaz Construction fined eight times since 2005

Business & Markets

Saturday, July 27, 2013

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The owner of Diaz Construction Co., whose worker was killed on a Plymouth job site Tuesday, said the Avon company tries to go "by the book" when it comes to safety.

But Leonel Diaz's company has been cited by the U.S. Occupational Safety & Health Administration for 19 safety violations totaling \$46,000 in initial fines — 15 of which were deemed serious violations — since 2005, according to OSHA records.

OSHA is investigating the death of Jason Faria, a Diaz Construction employee who died at The Pinehills residential community in Plymouth, where the Mirabeau Inn & Spa is under development. The Fall River man was killed when a concrete form to which he was harnessed came loose and fell, according to Mike Fish, a partner at the project's general contractor, JK Scanlon Co.

Diaz Construction is a subcontractor on the project for whom Faria had worked for four years.

"Everything looked safe," Diaz told the Herald yesterday. "Nobody knows how it happened. We have a safety officer, and we try to do everything by the book. That's why he was tied up."

Faria would have turned 27 years old yesterday.

His stepfather, Mario Benjamin, said he was unaware of Diaz Construction's past safety violations.

"I work in construction, and a lot of companies do get fined," Benjamin said. "This is just a tough situation. What I know is he was tied up on his harness on a concrete form ... and the form started to slip down, and he tried to unhook the harness to jump off, but he

couldn't."

An OSHA spokesman confirmed the agency has launched an investigation. OSHA has fined Diaz Construction for safety violations on eight separate occasions after job site inspections that were planned or the result of complaints in 2005, 2006, 2007, 2010 and 2011, according to OSHA documents.

The violations ranged from issues with scaffolding, protruding steel, protective helmets and protecting employees from potentially hazardous loose rock or soil to daily excavation inspections, protecting employees from cave-ins, portable ladders, safety training, and eye and face protection, the documents state.

Diaz, who told the Herald that he wasn't on the job site when Faria died, said he was awaiting OSHA's report on the incident.

"The hard part is that we lost Jason," Diaz said. "Everybody feels sorry about that. He was a good worker, a nice kid. We're sorry for him and his family."

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