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## Paint and Coatings Industry News

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### Hotel Project Death Spurs Fines

Tuesday, October 29, 2013

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The July death of a worker on a hotel project has resulted in \$21,560 in proposed federal fines for a Boston-area contractor with a history of safety, health and wage violations.

The Occupational Safety and Health Administration cited Diaz Construction Company of Avon, MA, for four serious violations, stemming from the July 23 fatality of 26-year-old Jason M. Faria.

The allegations include inadequate worker training and failure to properly erect a formwork system.



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*Silvia-Faria Funeral Homes*

Jason M. Faria was killed just days before his 27th birthday. The construction worker's employer, Diaz Construction, has been cited and fined by federal safety authorities.

Including the current case, the construction company has received 22 OSHA citations since 2005 with initial fines totaling more than \$90,700.

In addition, Diaz Construction and its president, Leonel Diaz, were charged in 2010 with violating overtime labor laws. The contractor settled the case out of court for \$162,000, including a \$20,000 penalty to the state.

### Death of Worker

The current OSHA case was spurred by the death of Faria, of Fall River, MA, an employee who was working on the Mirabeau Inn & Spa project in Plymouth, MA.

He was reportedly killed before 9 a.m. July 23 when a concrete form to which he was harnessed came loose and crushed him.

Reports say Faria was days away from his 27<sup>th</sup> birthday and had a daughter.

Reports indicate that Faria, who had worked for Diaz for four years, died at the scene from massive head trauma. Medical responders also treated Faria's father, who also worked on the project, as he collapsed at the scene, reports said.

A call to a phone number listed for the company went unanswered Monday (Oct. 28). The company does not have a website.

### 'Serious Citations'

Each citation issued Oct. 7 by the federal agency was classified as serious and included a \$5,390 proposed fine.

OSHA said Diaz Construction had failed to frequently and regularly inspect the jobsite, materials and equipment used, including the concrete formwork, for stability before employees climbing on them, according to the [citation documents](#).



*The Pinehills*

Construction on the Mirabeau Inn & Spa at The Pinehills in Plymouth, MA, began in April, four months before the fatal incident. The project is set for completion in Spring 2014, according to a [Pinehills' press release](#).

The contractor also failed to adequately train Faria in hazards associated with improper anchorage and installation of the formwork systems, the documents said.

OSHA said the formwork system was not erected properly and failed when Faria climbed on it, causing it to fall over, killing him, the documents relate.

The jobsite also lacked required drawings or plans for the formwork, shoring equipment, jack layout, working deck and scaffolds, OSHA alleged.

"An employee was killed on a jobsite where formwork was installed without drawings or plans and

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the formwork failed," OSHA said.

OSHA is working with the company to "mitigate unsafe practices," an OSHA spokesman told the *Boston Herald*.

### OSHA Record

According to a review of OSHA's database, Diaz Construction was issued 18 safety and health citations from cases in 2005, 2007, 2009, 2010, and 2011.

The past cases, which carried initial fines of \$69,200, allege failure to have fall protection, ladder violations and other general safety issues.

Diaz Construction eventually paid \$37,828, to resolve the cases through settlements with the federal agency, the record shows.

### About the Project

Designed by Boston-based architectural firm Arrowstreet, Mirbeau Inn & Spa at The Pinehills residential community began construction in April 2013, four months before the fatal incident.

Diaz Construction served as a subcontractor on the project, under the direction of general contractor JK Scanlan Co.

The hotel is slated to open spring 2014, and will feature an "elegant 50-room getaway designed in the style of a French Manor House," according to press release on Pinehills' website.



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### Worker training

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