

To the Joint Committee on Public Safety and Homeland Security, the Senate Committee on
Ways and Means, and the House Committee on Ways and Means of the Massachusetts
General Court
August 5, 2026



COMMISSIONER OF THE DIVISION OF
OCCUPATIONAL LICENSURE

In conjunction with the
DEPARTMENT OF LABOR STANDARDS

ANNUAL REPORT ON FINES IMPOSED, COLLECTED AND
EXPENDED PURSUANT TO G.L. c. 82A, § 1
(EXCAVATION AND TRENCH SAFETY)

Acknowledgements

This annual report was prepared by the staff of the Office of Public Safety and Inspections (OPSI) of the Division of Occupational Licensure, in conjunction with the Department of Labor Standards (DLS), pursuant to G.L. c. 82A, § 1, which states in relevant part: “The office of public safety and inspections of the division of occupational licensure, in conjunction with the department of labor and workforce development, shall file a report detailing the amount of fines imposed, collected and expended pursuant to this section with the house and senate committees on ways and means and with the joint committee on public safety and homeland security not later than August 15 of each year.”

Statutory and Regulatory Requirements

Commencing in January 2009, all excavators are required to obtain a permit prior to the creation of a trench made for a construction related purpose on public or private land or rights-of-way in accordance with Chapter 82A of the Massachusetts General Laws. Further, all municipalities are required to establish a local permitting authority for the purpose of issuing these permits, with the designation of the local permitting authority left to the discretion of the individual municipalities. In addition to the permit and local permitting authority requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the public and prevent unauthorized access to unattended trenches.

The statute further mandates that OPSI draft trench safety regulations in conjunction with DLS. These are codified in chapter 14.00 of title 520 of the Code of Massachusetts Regulations.

Enforcement

As a practical matter, the enforcement of 520 CMR 14.00 is almost exclusively done at the municipal level, which is responsible for the issuance of permits and is authorized to take administrative action on those permits. OPSI is authorized to assess administrative fines for violations and has requested that municipalities refer appropriate cases to OPSI for investigation and appropriate action pursuant to the regulations.

During FY 2026, OPSI performed 131 unannounced compliance inspections across the commonwealth to ensure adherence to 520 CMR 14.00 pertaining to unattended trench safety as well as 230 CMR 6.00 concerning hoisting machinery operation. In most instances, OPSI inspectors found that excavators were appropriately licensed and unattended trench safety measures were understood and instituted as prescribed by 520 CMR 14.00. Where matters were not well understood, OPSI inspectors took time to reference regulatory requirements and emphasize the importance of barriers and other safety measures. Unattended trench safety regulatory infractions discovered during compliance inspections were minor and did not warrant fines or administrative penalties. Rather, compliance inspections were successfully used as a tool to help promote program safety measures.

During FY 2026, DLS conducted 29 trench inspections, and 21 interventions at an open trench. DLS is not aware of any trench collapses that injured a member of the public, but there was a fatal trench collapse on Cape Cod in November 2025 that involved two workers of a private contractor who was installing new sewer mains. One worker was killed and one was seriously injured. The collapse was an active worksite and investigated by OSHA. Federal OSHA has jurisdiction over all private sector businesses, including private contractors doing work on public projects. DLS has jurisdiction over public sector workers and workplaces.

Budget

The Open Trenches and Excavations Trust (8311-2872) began Fiscal Year 2026 with a balance of \$7,710.13. The current balance is \$7,710.13. During Fiscal Year 2026, the Trust received \$0.00 due to enforcement actions. The Trust paid out \$0.00.

Training

DLS provided training to employees and employer management through in-person training sessions, webinars, conferences and mailings. Thirty-two training sessions were conducted, with 1040 employees in attendance.

DLS provided two OSHA 10-Hour Construction courses where trenching and excavation was covered as a topic. These were conducted in Westborough in March 2026 for 26 attendees, and Hyannis in May 2026 for 16 attendees.

OPSI and DLS continued their cooperative alliance with the New England Water Works Association (NEWWA). Both DLS and OPSI provided speakers for the NEWWA four-day trench competent person training on August 11, 2025, October 20, 2025, and May 11, 2026 at the NEWWA training facility. DLS provides training on OSHA trench and excavation regulations and what happens during a DLS safety inspection, and OPSI provides training on 230 CMR 6.00 and 520 CMR 14.00.

DLS conducted in-person training and outreach for municipal public works employees by presenting at the New England Water Works Association, Massachusetts Highway Association, Massachusetts Water Works, New England Public Works Expo, and Massachusetts Municipal Association conferences, and individual outreach meetings in Excavation Safety for municipal water and sewer departments.

DLS also provided three in-person presentations for private sector employers and employees where trenching and excavation was a covered topic. These were for the Cape Cod Home Builders & Remodelers Association in September 2025 for 75 attendees, the Nantucket Builders Association in February 2026 for 43 attendees, and the National Safety Council Greater Massachusetts Safety and Health Conference in April 2026 for 16 attendees.

In private sector workplaces, DLS conducted 15 voluntary construction site consultations which included a discussion on trench safety, assessment of existing trenches, OSHA standards, and evaluation of trench safety programs. DLS intervened by consulting at another 14 private sector work sites where an active trench was located without all the required safety precautions in place (DLS does not have enforcement authority at private sector worksites). DLS also conducted 7 voluntary site visits and 9 interventions at municipal public works departments involving trenching and excavation safety.

DLS distributed trenching and excavation handouts at 6 conferences where municipal employees were in attendance and hand delivered packets of safety information, including trenching and excavation safety, to public works departments in Bristol and Worcester Counties. Conferences included the New England Public Works Expo and Massachusetts Municipal Association Conferences.

Outreach

OPSI continues to communicate with municipal authorities, excavators and others through e-mail as well as in-person, when appropriate, to emphasize the importance of trench and other matters of public safety, and both agencies continue to respond to phone calls and e-mails regarding trench safety, jointly addressing questions and concerns of interested parties. Finally, DLS continues to be part of the emergency management notification list developed by OPSI to refer trench incidents to DLS and OSHA. Through this communication channel, OPSI informs DLS regarding potential trench safety violations for public sector worksites. Likewise, DLS refers potential hoist violations to OPSI for evaluation and follow-up.

Conclusion

OPSI and DLS continue to regulate and enforce excavation and trench safety pursuant to their responsibilities under G.L. c. 82A. Over the course of the last year, the two agencies performed substantial training and outreach activities to facilitate stakeholder compliance and understanding of statutory and regulatory obligations. OPSI and DLS will continue to engage stakeholders in the coming year in their ongoing effort to promote excavation and trench safety for all affected parties.