

North Carolina Department of Labor
Division of Occupational Safety and Health
Raleigh, North Carolina

Field Information System

Operational Procedure Notice 95B

Subject: Special Emphasis Program for Reinspection of Employers Who Have Had a Fatality in the Workplace

A. Purpose. This Notice establishes a North Carolina Special Emphasis Program for employers who have experienced a fatality at their worksite and who have been cited for a violation of the standards.

B. Objective. The objective of the fatality reinspection program are to assess worksites for continuing potential hazards, promote safety and health programs, and determine the impact of previous intervention by the Division.

C. Scope. This notice applies statewide.

D. Discussion. Sites where fatalities occur may not maintain a work environment that has embraced a safety and health culture, which includes but is not limited to a written safety and health program, safety committee, safety meetings, and routine safety and health inspections. It is the goal of the Division that the response to a fatality should not only involve the investigation of the cause of the fatality and issuance of citations where appropriate, but also encourage and assist in the implementation of procedures which would prevent another fatality from occurring and improve the overall safety and health record at the worksite.

All establishments that have experienced a fatality will be scheduled for reinspection *within* five years of the date of the workplace death, except for logging, construction and other mobile sites that are no longer active. All such establishments will be reinspected unless the original fatality inspection report indicates that a comprehensive and effective safety and health program was in place, including all programs required by specific OSHA standards.

E. Expiration. This Notice will remain in effect until cancelled by the Director. This OPN replaces OPN 95A. (Discard OPN 95A dated August 22, 1996.)

F. Action. Bureau Chiefs shall ensure that all procedures established in this notice are adhered to in an effort to further assess the conditions at worksites at which fatalities have previously occurred and violations were cited. The Director of the Division of Research and Information Technology shall develop a plan that schedules

for reinspection all employers who have previously experienced a workplace fatality and who were cited for a violation of the standards. The goal for reinspections to be scheduled shall be three years after the fatality date and initial OSHA inspection. This program should begin with any fatality which has occurred since January 1, 1992, and which is actually related to the type of work being performed at the site. Sites for reinspection shall be designated as "Priority Five" and shall receive specific inspection priority over all other programmed inspection assignments except for "high rate employers" under Operational Procedure Notice 98C. The Bureau Chief of Education, Training, and Technical Assistance (ETTA) shall review the inspection material from all fatality inspections in which citations were issued to determine if information collected during any compliance inspection should be used to alert other employers, shared with Division staff, necessitates the development of new standards to address a prevailing condition, or indicates a need for technical assistance. The Bureau Chiefs of Compliance shall ensure that all designated reinspections shall be conducted as Division priorities dictate.

G. Inspection Strategy. Establishments scheduled for reinspection as a result of a previous fatality shall be inspected with the same scope as the original fatality inspection. Items in plain view shall be considered and the scope of the inspection may be expanded in accordance with the Operations Manual. The employer's safety and health programs should be reviewed, as well as all required injury and illness records, including OSHA-200 data. The totals from the OSHA-200 logs shall be recorded in the narrative for the year of the fatality and each subsequent year. The CSHO shall also calculate the Lost Workday Case Incidence Rate (LWCIR) for each year in which OSHA 200 data is collected. This information can be used to determine trends in injuries and illnesses. Other previous inspection materials shall be compared with current information to assess any changes in the conditions at the site since the fatality occurred. An employer may be cited for a repeat violation if that employer has been cited previously for a substantially similar condition and the citation has become a final order. The time limitation for repeats established by the Operations Manual shall be observed. If the employer requires technical or educational assistance beyond what can be provided by the CSHO, a referral should be made to the appropriate Bureau.

H. IMIS Coding. The OSHA-1 form for all inspections conducted as a result of this special emphasis program shall be marked as programmed planned in box 24h. Box 25c should also be marked as local emphasis program inspection and specifically coded "reinspfat". This IMIS identifier code has been approved for use by the Office of Management Data Systems and will allow for the tracking of these type inspections.

I. Evaluation. The Division of Research and Information Technology shall annually review the inspection history of employers participating in the fatality reinspection program to determine program impact. Injury and illness data collected by the CSHO shall also be evaluated. Conclusions shall be shared with Division staff.

2/17/98

Date

(Signed on Original)

Robert K. Andrews, Jr.
Director