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MEMO

To: OSH Compliance Bureaus

From: Kevin Beauregard, Assistant Deputy Commissioner

Date: December 4, 2014

Re: Response to Injury and Fatality Reports

Effective January 1, 2015, the response procedures covered in this memorandum will be utilized to address fatalities and injuries that are reported to the OSH Division by employers per 29 CFR 1904 (occupational injury and illness recording and reporting requirements). Statewide adherence to these procedures will ensure that the OSH Division's limited resources are utilized in an effective manner. Timely inspections and investigations associated with the incidents described below should significantly reduce the potential for any additional employee injuries resulting from exposure to the same or similar hazardous conditions:

1. Inspections will be conducted for the following incidents reported (open within 1 working day)

- All fatalities
- Two (2) or more hospitalized following same incident
- All loss of eye injuries
- Amputation of multiple digits (more than one toe, finger)
- Amputation of limb (foot, hand, leg or arm)
- Injury to worker under 18 years old
- Employer with known history of same or similar injury at any NC site within past 12 months
- Employer receiving willful, failure to abate, or repeat violations within past 12 months
- Imminent danger
- Hospitalization of any employee working for an employer covered by an emphasis area (national emphasis program, special emphasis program, strategic plan goal)

2. **Supervisors have the discretion to assign the following incidents for an inspection (when inspected, open within 5 working days)**

- Amputation of a single digit
- Hospitalization of one employee not within an industry or activity covered by an emphasis area

If more than one of the following questions is answered “Yes”, the supervisor is encouraged to assign an inspection.

- Are employees still being exposed to the hazard(s)?
- Was the event related to a program failure (PRCS, LOTO, PSM, etc.)?
- Were temporary workers or other vulnerable populations injured?
- Have there been any other unprogrammed activities (referrals, complaints, accidents) specific to incident site within past 12 months?
- Does the employer have prior OSHA history within past 3 years of any serious violations? (any NC site)
- Do available Bureau and District resources permit inspection activity?

3. **Supervisors will initiate investigations within 5 working days for all amputations and hospitalizations that are not assigned for an inspection**

- Phone/Fax/Letter – Request a written response from the employer be provided within 5 working days. Written response must include results of the employer’s accident investigation and any corrective actions taken
- Review response, assign inspection if employer’s response is unsatisfactory
- If no response is received from the employer within 5 working days, assign for an inspection