



**CHERIE K. BERRY**  
COMMISSIONER

**KEVIN BEAUREGARD**  
ASSISTANT DEPUTY COMMISSIONER  
OCCUPATIONAL SAFETY AND HEALTH DIVISION

**MEMO**

**To:** OSH Compliance Bureaus

**From:** Kevin Beauregard, Assistant Deputy Commissioner

**Date:** May 4, 2015

**Re:** Response to Injury and Fatality Reports

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Effective May 4, 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 work related fatalities<sup>1</sup> within OSHNC's jurisdiction
- Two (2) or more hospitalized<sup>1</sup> 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

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

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)
- Are employer/employees covered by a national or state emphasis program?
- Do available Bureau and District resources permit inspection activity?

3. **Supervisors will initiate investigations within 5 working days for all amputations and hospitalizations<sup>1</sup> that are not assigned for an inspection**

- Supervisor or designee assigned will telephone employer, inform them that OSH will be faxing/emailing a letter to them requesting they investigate the reported incident and should provide OSH with a written response within 5 working days. Written response must include results of the employer’s accident investigation and any corrective actions taken.
- Alternatively, the supervisor or their designee will send a letter to the employer, informing them that OSH is requesting they investigate the reported incident and should provide OSH with a written response within 5 working days. Written response must include results of the employer’s accident investigation and any corrective actions taken.
- Supervisor will review response and assign an inspection if employer’s response is unsatisfactory
- If no response is received from the employer within 5 working days, supervisor will assign for an inspection

4. **Fatalities from non-work related medical issues reported to OSHNC or employee hospitalizations resulting from non-work related medical issues that are not required to be reported by the employer under existing OSHNC standards**

- The supervisor should evaluate the information received and make a determination to inspect, investigate, or take no additional actions. Any decision to investigate or take no additional action will be documented (with factors used by the supervisor to make that decision) under the notes tab of the referral form.

<sup>1</sup> OSHNC is not required to investigate or inspect employee fatalities or in-patient hospitalizations that are the result of non-work zone vehicle accidents. Employers reporting non-work zone vehicle accidents shall be informed that, although they must record these incidents in their OSHA records if they are required to keep such records, they are not reportable under the OSHA reporting requirements. All other work related accidents or fatalities reported to OSHNC, but not specifically covered elsewhere in this memo, will require (at minimum) an investigation utilizing the procedures described in #3.