

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, North Carolina

Field Information

Operational Procedure Notice 95F

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 objectives 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 one year after the event date. Once scheduled, the goal will be for a CSHO to reinspect within six (6) months of the date scheduled or within six (6) months after the final order date for a contested case. 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, and there were no standard violations.

E. **Expiration.**

OPN 95E is canceled. This Notice is effective on the date of signature. It will remain in effect until canceled by the Director.

F. **Action.**

Bureau Chiefs will 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 Bureau Chief of Planning, Statistics and Information Management will 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 reinspection will be scheduled one year after the fatality event date. Sites for reinspection will receive specific inspection priority over all other programmed inspection assignments except SST assignments.

G. **Inspection Strategy.**

Establishments scheduled for reinspection as a result of a previous fatality will be inspected with the same scope as the original fatality inspection. Any additional items in plain view will be addressed 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. The totals from the injury and illness logs will be recorded in the narrative for the year of the fatality and each subsequent year. The CSHO will also calculate the Lost Workday Injury and Illness Rate (LWDII) or the Days Away from Work, Restricted, or Transferred Rate (DART) for each year in which data is collected. This information can be used to determine trends in injuries and illnesses. Other previous inspection materials will be compared with current information to assess any changes in the conditions at the site since the fatality occurred. If the employer required technical or educational assistance beyond what can be provided by the CSHO, a referral should be made to the appropriate Bureau. Reinspections involving fatalities that occurred at sites that are no longer active (e.g. logging sites, construction sites, and other mobile sites) should be handled as follows:

1. If the employer's main office is located within North Carolina, the compliance officer will proceed to the office and attempt to initiate an opening conference with the employer's management representative. If a management representative is unavailable at the main office, the CSHO will attempt to contact a management representative (this can be done by phone if the representative is not immediately available at the office).
2. If the employer's main office is located outside of North Carolina, the CSHO will call the out of state main office and attempt to initiate an opening conference with the employer's management representative.
3. An opening conference will be held with a management representative. Additionally, the CSHO will request a list of sites active in North Carolina. If the employer has no active sites at the time of the reinspection, they should provide a list of future sites. If the employer is out of business or no longer active in North Carolina, then no reinspection should be conducted.
4. The CSHO will select a site from the employer provided active site list that is likely to include work similar to what was being conducted at the time of the fatality. The CSHO will proceed to the selected job site and conduct a comprehensive inspection. If the selected site is in a different Compliance

District, the appropriate District Supervisor will be notified prior to the inspection. The District Supervisor and the CSHO will decide on the best way to proceed with the inspection.

H. **IMIS Coding.**

The OSHA-1 form for all inspections conducted as a result of this special emphasis program will be marked a "follow-up" in box 24f. 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 PSIM Bureau will 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 will also be evaluated. The Education, Training and Technical Assistance Bureau will review fatality inspection summaries from all fatality inspections in which citations are issued to determine if training or rules should be reviewed for possible revisions. ETTA's review may also provide the basis for recommendations to the PSIM Bureau for revisions to the inspection targeting programs. Conclusions will be shared with Division staff.

Signed on Original
Kevin Beauregard
Assistant Director

Signed on Original
Allen McNeely
Director

8/30/05
Date of Signature