

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

Raleigh, North Carolina

Field Information

Operational Procedure Notice 95I

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

A. **Purpose.**

This Operational Procedure Notice (OPN) establishes a Special Emphasis Program (SEP) 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 compliance safety and health officer (CSHO) to reinspect within six months of the date scheduled or within six 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 Occupational Safety and Health (OSH) Division standards, and there were no standard violations.

E. **Action.**

Compliance 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 the Planning, Statistics and Information Management (PSIM) Bureau will develop and maintain 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 general industry or public sector programmed inspection assignments.

F. 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 N.C. Field Operations Manual (FOM). 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 (DART) rate 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) will be handled in accordance with FOM Chapter II – Compliance Programming, paragraph F.1.d – Follow-up Inspections for Temporary/Mobile Sites.

G. Recording and Tracking.

For all inspection activity covered under this SEP, item 24, Inspection Type will be marked as a "Follow-up." On the Dates tab, "Follow-up" will also be marked in Block(s) "n" and "Reason for Follow-up" in Block "o" (Item 1). The code "REINSPFAT" must be marked under the Emphasis/Initiatives Tab in OSHA Express (OE) under "Local Emphasis Description" as seen in Item 2. The coding has been approved for use by the Directors Office and will allow for the tracking of these type of inspections.

Item 1

The screenshot shows the 'Dates' tab in the OSHA Express (OE) software. The form is titled '19. Inspection Dates' and contains the following fields:

- Assignment Date: 00/00/0000
- Assignment: 0
- a. Advance Notice: No
- b. Entry Date: 01/22/2019
- c. Time: 13:06
- d. Opening Conference Date: 01/22/2019
- e. Time: 13:10
- f. Walkaround Date: 01/22/2019
- g. Time: 13:26
- h. Final Closing Conference: 06/07/2019
- i. Time: :
- j. Closing Conference Date 2: 00/00/0000
- k. Time: :
- l. Exit Date: 06/07/2019
- m. Time: 14:00
- n. Follow Up: (dropdown menu)
- o. Reason for Follow Up: (text box)
- p. Case Closed Date: 00/00/0000
- q. No Citations Issued: (checkbox)
- r. Number of Days on Site: 3

Item 2

Name	Local Emphasis Description
REINSPFAT	REINSP WITHIN 1 YR OF EMPLOYERS WITH FATALITY/S

Name	National Emphasis Description
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Strategic Plan Activity Description	
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H. **Evaluation.**

The PSIM Bureau will periodically 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 (ETTA) Bureau will periodically review fatality inspection summaries from all fatality inspections in which citations are issued to determine if training, presentations, publications, or rules should be reviewed for possible revision or notification. ETTA's review may also provide the basis for recommendations to the PSIM Bureau for revisions to the OSH Targeting System. Conclusions will be shared with division staff.

I. **Expiration.**

OPN 95H is canceled. This OPN is effective on the date of signature. It will remain in effect until canceled by the director.


Anne Weaver
Bureau Chief


Kevin Beauregard
Director

07/06/2021
Date of Signature