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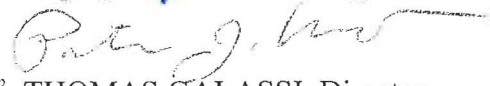
MEMORANDUM FOR:

REGIONAL ADMINISTRATORS
STATE DESIGNEES

THROUGH:


DOROTHY DOUGHERTY
Deputy Assistant Secretary

FROM:


for THOMAS GALASSI, Director
Directorate of Enforcement Programs

SUBJECT:

Revised Interim Enforcement Procedures for Reporting
Requirements under 29 C.F.R. 1904.39

Overview

On September 18, 2014, OSHA issued a final rule revising its occupational injury and illness recordkeeping and reporting requirements in 29 C.F.R. 1904. The new requirements became effective on January 1, 2015. The final rule requires employers to report all work-related in-patient hospitalizations, amputations and losses of an eye to OSHA within 24 hours of the event. The previously existing requirement for employers to report all work-related fatalities to OSHA within eight hours was not changed. For additional information, see the preamble to the final rule at 79 FR 56129-56188, *Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions*, September 18, 2014.

On December 24, 2014, OSHA issued *Interim Enforcement Procedures for New Reporting Requirements under 29 CFR 1904.39*. That memorandum provided interim procedures for the implementation process including, intake of reports, input of reports, temporary data base, triaging of reports, and guidance for determining whether a report resulted in an inspection of a Rapid Response Investigation (“RRI”). Based on the evaluation of the influx of workplace incident reports to OSHA and the field’s experiences with the new reporting requirements over the past year, OSHA has evaluated those interim procedures. Accordingly, OSHA is issuing these Revised Enforcement Procedures which replace the December 2014 Interim Procedures.

This memorandum provides updated internal guidance and procedures for the Area Offices to enforce the reporting requirements. Among other things, this memo updates the procedures for the intake of reports from employers, data collection and sorting; and entry of data in the OIS system. Revised flow charts are provided to help understand the intake process. Revisions in this memorandum include additional guidance on: requesting more information from the employer when conducting an RRI; a safe harbor provision for employers who conduct internal investigations during the RRI; monitoring inspections of closed RRIs; increased penalties for failure to report; updated fill-in Appendices; and a flow chart for coding.

I. Summary of Applicable Section 1904.39: Reporting fatalities, hospitalizations, amputations and losses of an eye as a result of work-related incidents to OSHA

1904.39(a)(1) requires employers to report to OSHA within 8 hours after the death of any employee as a result of a work-related incident. (Same as previous regulation.)

1904.39(a)(2) requires employers to report to OSHA within 24 hours after the in-patient hospitalization, amputation, or loss of an eye of a worker from a work related incident.

Under the previous regulation, employers had to report the following events to OSHA:

- All work-related fatalities
- All work-related hospitalizations of three or more employees

Under the current regulation, employers must report the following events to OSHA:

- All work-related fatalities (same as previous regulation)
- All work-related in-patient hospitalizations of one or more employees
- All work-related amputations
- All work-related losses of an eye

NOTE: Employers must report a fatality if it occurs within 30 days of the work-related incident. Employers must report inpatient hospitalizations, amputations, or loss of an eye if it occurs within 24 hours of the work-related incident.

1904.39(a)(3) requires employers to report the fatality, in-patient hospitalization, amputation, or loss of an eye using one of the following methods:

- By telephone or in person to the OSHA Area Office that is nearest to the site of the incident;
- By telephone to the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742); or
- By electronic submission using the reporting application located on OSHA's public website at www.osha.gov/report.html.

NOTE: Employers do not have to report an event if it:

- Is not work-related.
- Resulted from a motor vehicle accident on a public street or highway, except in a construction work zone; employers must report events occurring in construction work zones.
- Occurred on a commercial or public transportation system (airplane, subway, bus, ferry, street car, light rail, train).
- Occurred more than 30 days after the work-related incident in the case of a fatality or more than 24 hours after the work-related incident in the case of an in-patient hospitalization, amputation, or loss of an eye.

1904.39(b)(2) requires employers to give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:

- The establishment name;
- The location of the work-related incident;
- The time of the work-related incident;

- The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
- The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
- The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
- The employer's contact person and his or her phone number; and
- A brief description of the work-related incident.

NOTE: The employer may use a third party representative to implement the reporting requirements in section 1904.39.

1904.39(b)(8) provides guidance for situations where the employer does not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident. If an employer is not immediately aware of a reportable fatality, in-patient hospitalization, amputation, or loss of an eye that was the result of a work-related incident, a report to OSHA must be made within the following time period after the employer or its agent(s) learns that the reportable event was the result of a work-related incident: Eight (8) hours for a fatality, and twenty-four (24) hours for an inpatient hospitalization, an amputation, or a loss of an eye.

NOTE: Questions and Answers relating to OSHA's reporting requirement can be found at: "Updates to OSHA's Recordkeeping Rule".

II. Definitions

The following definitions apply to this memorandum:

A. Severe Injury Report (SIR)

An employer report to OSHA of a severe injury (fatality, in-patient hospitalization, amputation, or loss of an eye) as the result of a work-related incident. Throughout this memorandum SIR and employer report are used interchangeably.

B. Inspection

An onsite inspection of an employer's worksite conducted by an OSHA compliance officer as the result of an employer report of a severe injury (SIR) that falls within either Category 1 or 2 as detailed in this memorandum.

C. Rapid Response Investigation (RRI)

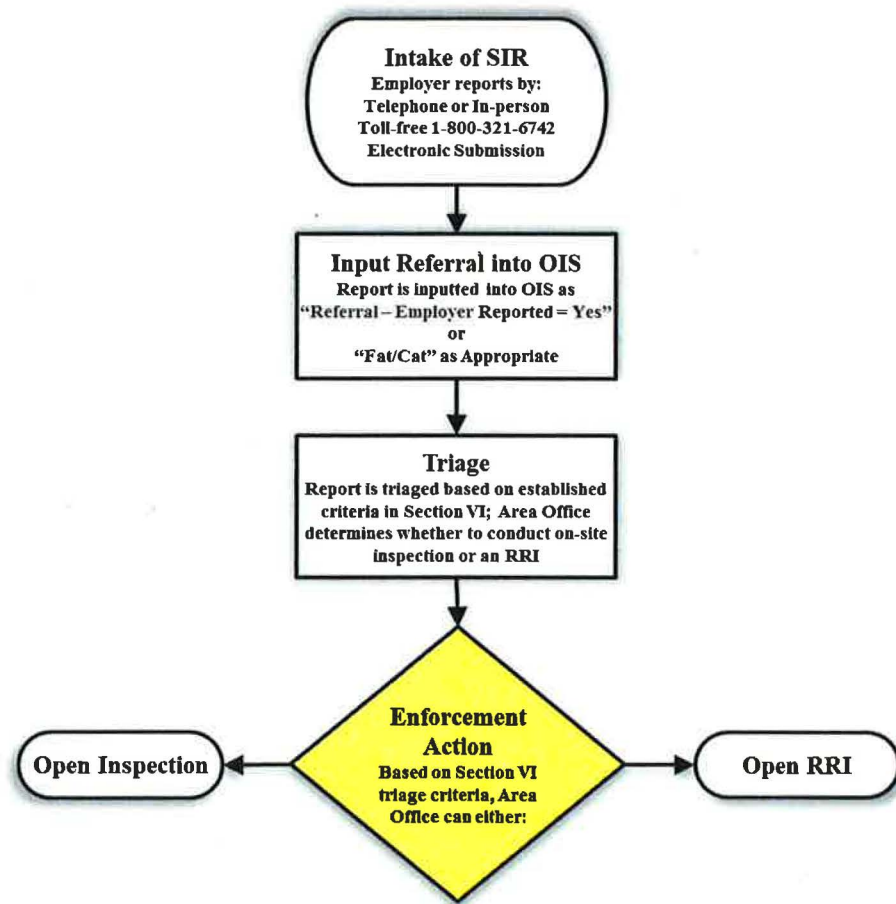
OSHA's offsite investigation conducted in response to an employer's report of a severe injury (SIR). The RRI is conducted according to the procedures detailed in this memorandum and generally does not involve an onsite inspection of the workplace. In lieu of an onsite inspection, an employer is expected to conduct its own investigation into the work-related incident and share its findings with OSHA.

D. Abatement Certification

Abatement certification as described in this memorandum refers to the written documentation that an employer provides during the RRI process. The certification should be signed by an official of the company and should detail the abatement measures that have been implemented to correct the condition that was the basis of the employer report.

III. Enforcement Process

A general outline of the enforcement process is provided in the following flowchart. Each step in the process is further described after the chart.



IV. Intake Procedures

[29 CFR 1904.39\(a\)\(3\)](#) provides that employers can report by telephone or in-person to the nearest Area Office; through the OSHA toll-free central telephone number, 1-800-321-6742; or by electronic submission on OSHA's public website.

A. SIR Received by Telephone or In-Person.

While speaking with the employer, Area Office personnel should obtain the following information:

1. The establishment name;
2. The location of the work-related incident;
3. The time of the work-related incident;
4. The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
5. The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
6. The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
7. The employer's contact person; phone number; e-mail; and
8. A brief description of the work-related incident causing the reportable event.

NOTE: A suggested questionnaire is provided in Appendix A to assist Area Office personnel when collecting information through phone calls or in-person.

B. SIR Received by Electronic Submission

As a new option, an employer may report work-related fatalities, amputations, in-patient hospitalizations or the loss of an eye to OSHA by electronic submission using a fatality/injury/illness reporting application located on OSHA's public website at Electronic Reporting Form for Employers. These electronic reports are automatically forwarded via email to a designated Area Office in the appropriate state. OSHA personnel will obtain the same information from employers as listed in Section IV. A of this Memorandum.

1. Each Area Office will manage a SIR mailbox and process the "Electronic Reporting Form for Employers" according to internal processing procedures. The SIR mailbox is monitored daily and every incoming report is reviewed to ascertain jurisdiction.
 - a. If the SIR falls within the jurisdiction of the Area Office, the report is entered into OIS and processed as outlined in this memorandum.
 - b. If the SIR falls within the jurisdiction of another Area Office, the report is forwarded appropriately.
 - c. If the SIR falls within the jurisdiction of a State Plan state, the report is forward to the State Plan.
 - d. If the SIR falls within the jurisdiction of another Federal agency, the report shall be forwarded to the agency.
2. All SIR related material received electronically should be printed out and stamped with the date the material was submitted and received. When these dates are not the same, the Area Director will determine the appropriate date for the incoming material.

NOTE: When an employer reports an incident, the Area Office must initially evaluate whether it is work-related. Employers are not required to report, and OSHA does not have authority over, any injury or illness that is not work-related.

V. Triage to Determine Inspection or Rapid Response Investigation

After OSHA receives an employer report and has obtained the necessary information, the Area Director or his/her designee must determine whether to conduct an inspection or an RRI.

Employer reports will fall into one of three categories: Category 1 - reports that require an OSHA inspection; Category 2 - reports that may result in either an inspection or an RRI; Category 3 - reports that result in an RRI.

NOTE: There are some instances in which the Area Director may determine that based on all available information there is no factual basis for concluding that a violation or hazard exists. In such instances, neither an inspection nor an RRI should be conducted.

Below are the criteria and explanation for each of the three categories:

A. Category 1

An employer report is identified as Category 1 and an inspection shall be conducted by OSHA, if any one of the conditions below is reported:

1. All fatalities and reports of 2 or more in-patient hospitalizations;
2. Any injury involving a worker under 18.
3. The employer has a history of the same or similar hazards or incidents within the past 12 months;
4. Repeat offenders (history of egregious, willful, failure-to-abate, or repeated citations; and employer on SVEP).
5. Report of a hazard covered by a local, regional, or national emphasis program.
6. Any imminent danger.

NOTE: If the employer is an exempt industry, the Area Director must follow the Exemptions and Limitations under the Appropriations Act (See CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998).

B. Category 2

An employer report is identified as Category 2, if it does not involve any of the conditions described in Category 1. For Category 2 reports, the Area Director has the discretion to determine whether an inspection or an RRI shall be conducted. This determination is based on the Area Director's knowledge of the circumstances of the event and consideration of the following factors:

1. Have the work conditions that resulted in the employer report of injury or illness been corrected? If so, what were the corrective measures taken and how quickly were they implemented?
2. Can complete abatement of the reported workplace condition be implemented before an inspection is conducted?
3. Are other employees still exposed to the hazard that resulted in the reported injury, illness or fatality? If so, how many employees?
4. Was the work related incident the result of a safety program failure such as PRCS, LOTO, PSM, etc.?
5. Does the employer have work rules/procedures that address the hazard/incident? If so, were the work rules/procedures followed? If not, why not.
6. How are the work rules/procedures communicated to employees and how are the work rules/procedures enforced?
7. Did the work related incident involve a serious hazard such as explosive materials, combustible dust or falls?

8. Did the report of injury or illness involve temporary workers or other vulnerable employees?
9. Has another government agency (federal, state, or local) made a referral regarding reported incident/hazard?
10. Does the employer have prior OSHA inspection history?
11. Any Whistleblower complaint/investigation involving the employer?
12. Is the employer a Cooperative Program Participant, e.g., VPP, OSHA Strategic partnerships, SHARP or an active Alliance member? (Note: Area Offices should follow existing procedures for reporting fatalities involving employers in these programs.)
13. Did the work related incident involve a health hazard such as chemical or heat stress exposures?

This list is not intended to be exhaustive. Additional criteria particular to the hazard/incident may be considered by the Area Director. Based on an evaluation of the information obtained in response to the above questions, the Area Director will decide whether an on-site inspection or an RRI is appropriate.

C. Category 3

When the Area Director (or his or her designee) determines that based on the criteria discussed above an employer report does not warrant an inspection, an RRI shall be conducted. RRIs shall be conducted consistent with the protocols described below.

VI. Inspection/ RRI Procedures

A. Procedures for a Category 1 and 2 Inspection

After the Area Director (or his or her designee) determines that an employer report falls within Category 1, an onsite inspection shall be conducted in accordance with the procedures contained in the Field Operations Manual (FOM). Similarly, if the Area Director (or his or her designee) determines that an employer report falls within Category 2, and an inspection by OSHA is warranted, the inspection shall be conducted in accordance with procedures contained in the FOM. If the Area Director (or his or her designee) determines that an employer report is Category 2 but based on an evaluation of the incident information that an onsite OSHA inspection is not warranted, an RRI shall be conducted in accordance with procedures below.

OSHA inspections will begin, resources permitting, within five working days (except for fatalities and catastrophes) of receipt of the employer report. RRIs will begin, resources permitting, within one day after receipt of the employer report.

B. Procedures for a Category 2 and 3 Rapid Response Investigation (RRI)

When the Area Director (or his or her designee) determines that the employer report falls within Category 3, an RRI should be conducted. Also, if the employer report falls within Category 2 and the determination is made not to conduct an onsite inspection, an RRI should be conducted. The RRI is intended to identify any hazards, provide abatement assistance, and confirm abatement. All RRIs should be conducted in accordance with the following procedures:

1. The Area Office should begin the RRI within one day after receipt of the employer's report. Appendix B serves as guidance for information that should be obtained during the initiating call with an employer and should cover the following:
 - a. Incident Details: Review incident with employer and collect any additional information missing from the initial report (i.e., details of incident; machinery/equipment involved; what systems are in place to prevent this type of incident; review of work rules; if rules not followed, why not, etc.);
 - b. Internal Investigation: Discuss in detail the need for the employer to immediately conduct its own internal investigation to determine the reasons for the occurrence of the work related incident, to identify the hazards related to the incident, and to implement corrective measures.
 - c. Employer Actions: Explain the actions the employer must complete as part of the RRI process: that is, internal investigation, abatement verification, posting requirements, and sending a copy to employee representative. (Details in 2a below).
 - d. Consultation and compliance assistance: Provide consultation and compliance assistance regarding safety and health issues, best practices and abatement. Provide information on the hierarchy of controls, OSHA web page for information (guidance, eTools, etc.), and other assistance (for example: sample programs, local consultants, etc.);
 - e. OSHA Documents: Explain that OSHA will send a letter detailing the steps the employer should take to investigate and correct the incident (RRI letter - Appendix C-1), investigative guidance (Investigative Guidance for Employers - Appendix D-1), and a Certification of Posting. (Appendix D-2).
 - f. Other Resources: In addition, a guidance document developed by the OSHA/NSC National Alliance provides information on incident investigation. A link is provided in the OSHA RRI letter. (Appendix D-3).
 - g. Posting: Explain that the RRI letter from OSHA should be posted in a conspicuous place where all affected employees will have notice or near the location where the incident occurred and that the letter should be provided to the authorized employee representative, employee union representative, or safety and health committee in the facility;
 - h. Certificate of Posting: Explain that the Certificate of Posting should be completed and returned to OSHA. Explain that failure to take the actions as described below may result in an on-site inspection;
 - i. Anti-Discrimination: Explain whistleblower and anti-discrimination protections -11(c) protections;
 - j. Failure to Respond: Emphasize the importance to the employer of providing the responses as outlined below and that failure to provide the responses may result in an on-site inspection.
2. Key components of an RRI are the employer's actions regarding its internal investigation of the incident, abatement verification and posting. The employer should complete the following:
 - a. Internal Investigation: Within five working days after the initiating RRI call described above, the employer should inform the Area Director in writing of

the results of its internal investigation by letter, email, or fax. The written document should confirm that actions have been taken to correct the conditions that resulted in the employer report. If the employer cannot complete its internal investigation and/or completely correct the condition within those five working days, it should notify OSHA in writing, before expiration of the five days, of the reasons why the investigation and/or corrective action cannot be completed.

- b. Request for Additional Time: At the discretion of the Area Director, the employer may be given additional time to provide the results of the internal investigation and/or to complete abatement as long as the employer provides information on interim abatement of the condition. Based on the information and circumstances, the Area Director may agree on a time frame for completion of the investigation and implementation of complete abatement. If an agreement cannot be reached regarding additional time, OSHA will conduct an on-site inspection.
- c. Abatement Verification: Within five working days after the initiating RRI call, the employer should send, via mail, fax or e-mail, to the Area Director an Abatement Verification signed by a company official which describes the completed corrective action. If OSHA has agreed to additional time beyond the five days for the employer to complete abatement, the employer should send the abatement verification within one day of the new completion date. The abatement verification should include a detailed description of the corrective action taken. In addition to the abatement verification, the employer should provide supporting documentation to verify the implementation of the corrective action, for example, copy of new/revised operating procedures/policies/work rules; copies of monitoring results; photographs and/or videos; training records;
- d. Posting: The employer should post a copy of the RRI letter from OSHA in a conspicuous place where all affected employees will have notice or near the location where the incident occurred. (See Appendix D-2);
- e. Certificate of Posting: The employer should return a copy of the signed Certificate of Posting to the Area Office;
- f. Notification to Employees: The employer should provide a copy of the RRI letter from OSHA and its written abatement verification to the authorized employee representative, employee union representative, or safety and health committee in the facility.

3. Employer's Failure to Provide Adequate Responses:

- a. If OSHA has not received a response from an employer within the five working days, the Area Director will decide whether to conduct an onsite inspection or to make further attempts to contact the employer.
- b. If OSHA determines that an employer has not provided adequate responses to the RRI as described in Section B.2, above, or if OSHA determines that an employer's responses are not consistent with other information, the Area Director may conduct an on-site inspection.

C. Closing an RRI

When an Area Office concludes that an employer has satisfactorily completed all actions described above, the Area Office will summarize the findings/response from an employer and enter that information into the OSHA Information System (OIS). See [Appendix E](#) for a sample screenshot of the database for entering this summary.

After the closing of the RRI, the Area Director should send an e-mail or letter to the employer informing the employer that based on the information provided the matter is closed. See [Appendix C-2](#) – sample closing letter.

D. Monitoring and Other Inspections

OSHA may conduct monitoring inspections of closed RRIs based on a randomized selection of closed investigations. The monitoring inspection is to ensure accuracy in the reporting and will be limited to an inspection of the previously reported condition. OSHA recognizes that a critical part of the RRI procedure is an employer's willingness to conduct their own internal investigation to determine the reasons for the occurrence of a work related incident, to identify related hazards, and to implement corrective measures. Therefore, if OSHA conducts a monitoring inspection or an inspection for any other reason of a worksite previously subject to an RRI, OSHA will not use the employer's internal investigation to cite a condition(s) discovered by the employer during its internal investigation as long as employees are not exposed to a serious hazard and the employer is taking diligent steps to correct the condition.'

E. Citing for Failure to Report

The revised reporting requirements in 29 C.F.R. 1904.39 provide that an employer is required to report to OSHA, all in-patient hospitalizations, amputations, and loss of an eye occurring within 24 hours of a work-related incident. The requirement for reporting work-related fatalities has not changed. Employers must report, within 8 hours, the death of an employee from a work-related incident. A citation shall be issued if an employer fails to report any of these occurrences within the specified time frame. For further guidance on failure to report, refer to [CPL 02-00-135](#), *Recordkeeping Policies and Procedures Manual*, December 30, 2004. The existing penalties described in [CPL 02-00-135](#) will be the same for failure to report a fatality, catastrophe of three or more inpatient hospitalizations, or for other work-related events.

1. An Other-than-Serious citation will normally be issued for failure to report one or two in-patient hospitalizations, amputation or loss of an eye. The unadjusted penalty will be \$5,000, unless superseded by a future policy revision.
2. If the Area Director determines that it is appropriate to achieve the necessary deterrent effect, the unadjusted penalty may be \$7,000, unless superseded by a future policy revision.

NOTE: If the Area Director becomes aware of an incident required to be reported under 29 CFR 1904.39 through some means other than an employer report (e.g., inspection or referral from fire or police department) before the lapse of the reporting period, and an inspection of the incident is conducted, a citation for Failure to Report will normally not be issued.

F. Federal Agencies

All federal Executive Branch agencies regardless of size or industry classification must continue collecting injury and illness records pursuant to 29 CFR 1904.39; domestically and overseas. If a federal agency is located domestically, the revised reporting requirements of 29 CFR 1904.39 are applicable. For federal agencies operating overseas the new reporting requirements are not applicable. OSHA encourages each federal agency operating overseas to develop their own internal procedures to investigate work related incidents that involve the in-patient hospitalization, amputation, or loss of an employee's eye. The investigative report of the accident should include appropriate documentation on date, time, location, and description of operations, description of accident, photographs, interviews of employees and witnesses, measurements, causal factors, corrective actions taken, and any other pertinent information related to the incident. These incidents must be included in a summary report and submitted annually to the Secretary of Labor.

NOTE: OSHA has also developed a document that answers common questions concerning federal agencies' recordkeeping. (See [Frequently Asked Questions for OSHA's Injury and Illness Recordkeeping Rule for Federal Agencies.](#))

G. Outreach

To ensure that the public is informed of the new requirements under 29 C.F.R. 1904.39, OSHA is engaging in outreach to industry and interested parties. Area Offices are encouraged to conduct their own outreach initiatives. For further information and resources, please see the OSHA website at www.osha.gov/recordkeeping2014.

VII. Data Collection

A. Input Referral – Employer Reports into OIS

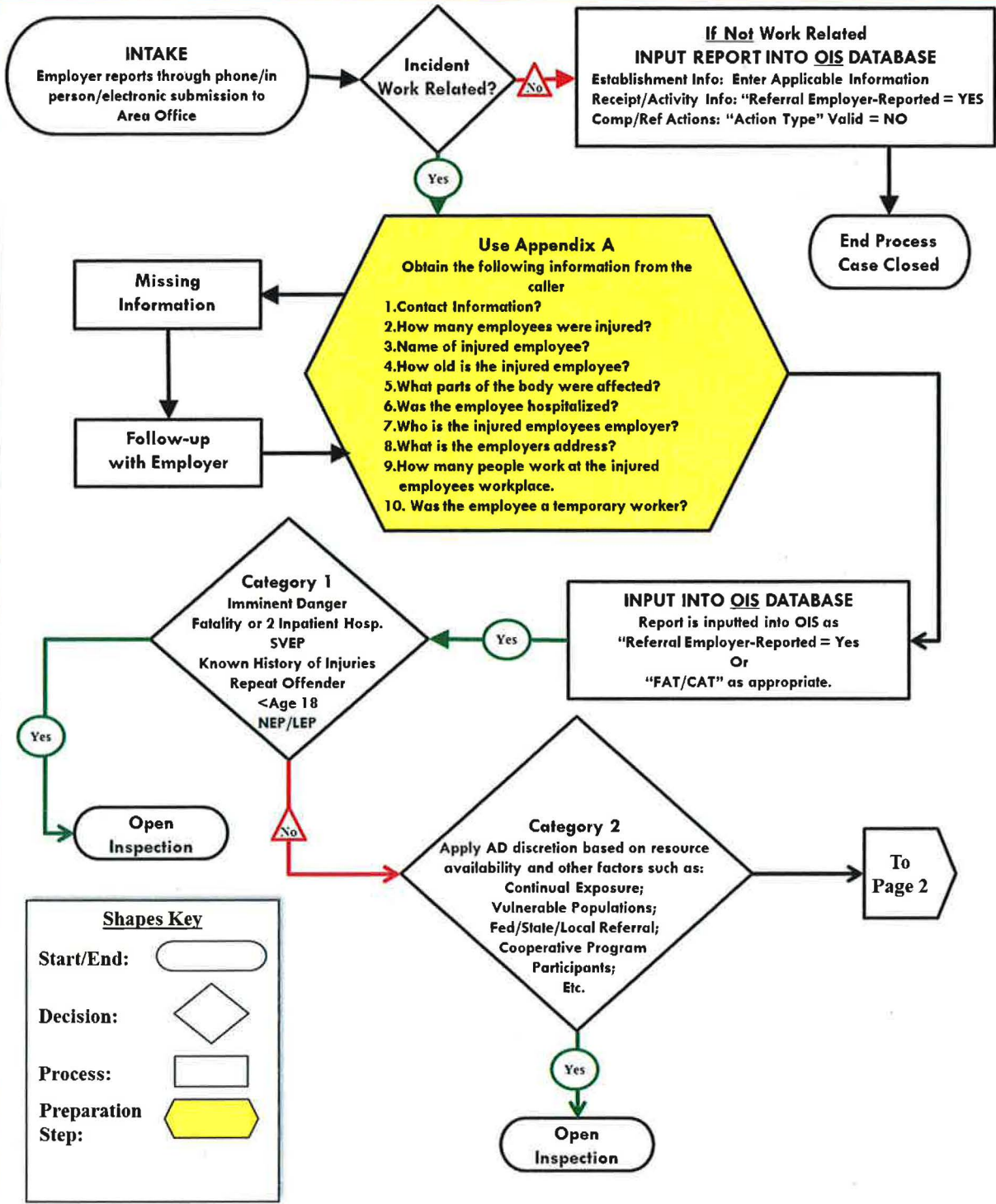
Once the Area Office receives the SIR, it must be manually inputted into OIS. All SIRs, whether collected electronically, by phone, or in person, must be entered into OIS by the Area Office.

1. Employer reports of in-patient hospitalizations, amputations, and loss of eye will be recorded in OIS as "***Referral – Employer Reported = Yes.***" Employers reporting hospitalizations of two or fewer workers will be recorded in OIS as "***Referral – Employer Reported = Yes.***"
2. Reports of work-related fatalities will be inputted in the usual manner– as a "***FAT/CAT.***" Catastrophes, which are defined as three or more hospitalizations, also will be inputted as a "***FAT/CAT.***"

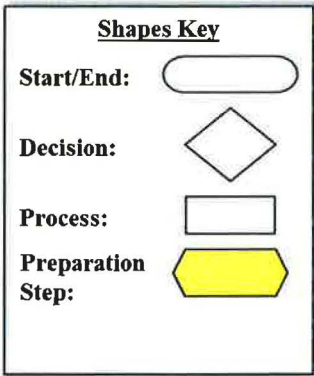
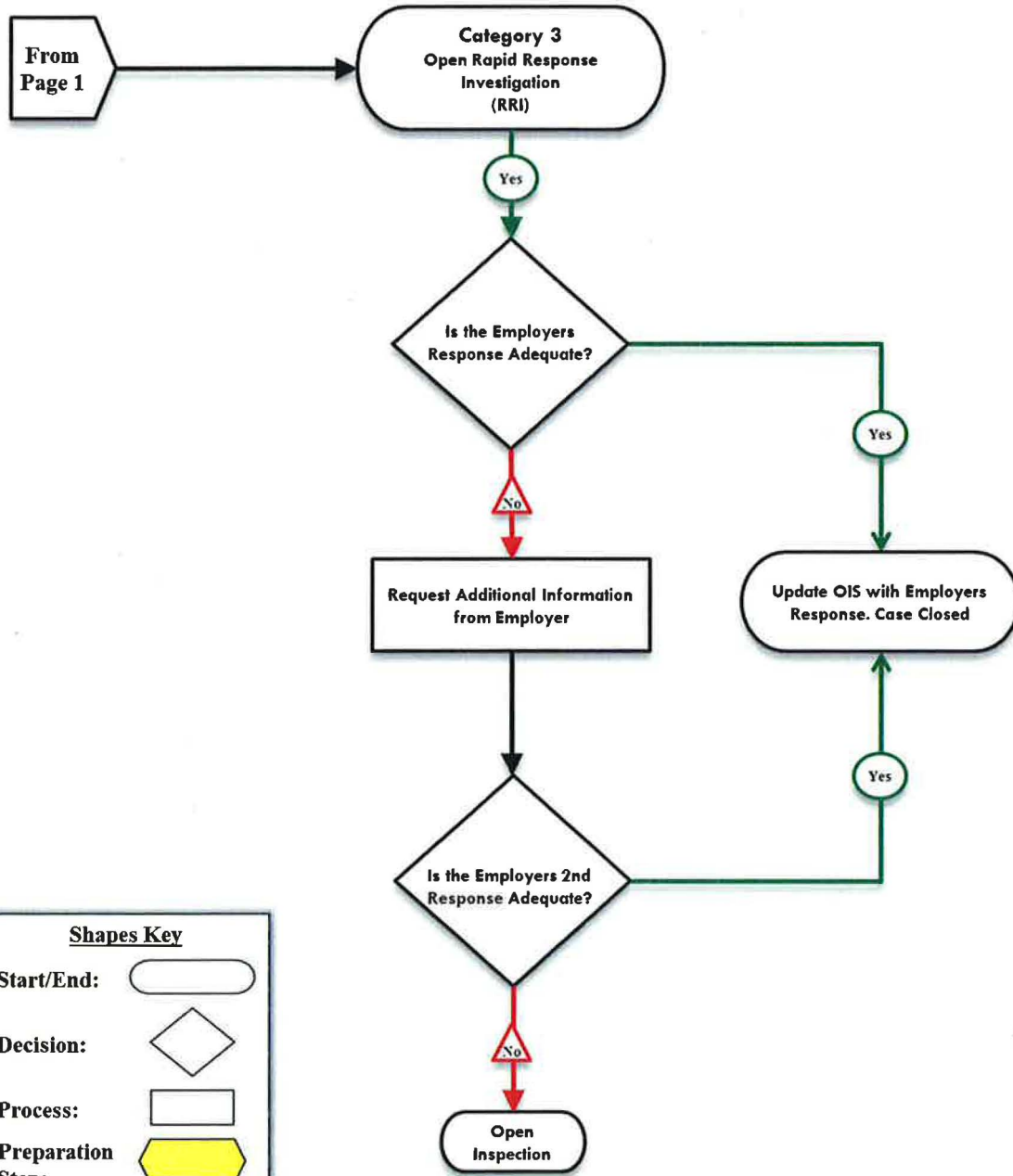
NOTE: The steps for inputting a report into OIS as a "***Referral – Employer Reported = Yes***" are described in further detail in ([Appendix E](#)).

NOTE: Area Director (or his or her designee) must ensure the "Complaint/Referral Actions" tab is filled in with the appropriate, "Action Type": *Valid= Yes or No* and *Do Inspection= Yes or No*.

SIR Enforcement Process Flowchart



SIR Enforcement Process Flowchart



Appendix A: Severe Injury Report Intake Questionnaire

Date Received: [Click to Enter Date and Time] CSHO: [First & Last Name]

Obtain information from the caller by asking the following questions:

Preliminary Information:

1. What are you calling to report: [Select item]
2. How Many Workers Were Affected: [##] (died, injured, or became ill?)
3. Caller Name: [First & Last Name] Job Title: [Job title]
 - a. Employer: [Name of Caller's ER]
 - b. Address: [Street or Mailing] [City, CO 80000]
 - c. Contact Phone: [555 843-4500] Fax: [555 843-4515] E-Mail: [Me@gmail.com]
4. Do you work for the same employer as the injured worker? CSHO: [YES]
5. When did this incident happen? [Click to Enter Date and Time]
6. What is the business or site name (if different)? [N/A]
7. Where did the incident happen? [Address of Site]
8. Explain What Happened: [Just the Facts]

Now I'm going to ask you some questions about the injured employee:

1. Injured Employee: [First & Last name]
2. Age: [##]
3. Gender: M F
(For additional employees, use continuation section at end of form.)
4. Was the injured employee working as a contract or temporary worker? Y N
If yes, Agency Name/Phone: [Agency Name and Phone#]
5. What parts of the injured worker's body were affected? [Affected Parts]
6. Result for worker: Hospitalized Amputation Eye Loss Fatality
7. Are there any other workers who were injured or became ill in the same incident? Y N
If YES: a) Name: [First & Last Name] b) Age: [##] c) Gender: M F

Now I'm going to ask you about each injured employee's employer/workplace:

1. Injured worker's employer: [ER Name]
2. Employer's Address: [ER Address]
3. Employer Contact: [First & Last Name]
4. 4. Phone: [Contact Phones]
5. E-mail: [E-Mail]
6. What industry/type of business is the employer in? [Type of business]
7. How many employees at: a) Site: [####] b) All locations: [#####]
8. Is there a union at this workplace? Y N
[If so, what is the Union's name, address and phone number]

Now I'm going to ask you some questions about the incident that led to the injury:

1. What is the injured employee's job/job title? [Title]
2. What does the injured employee do at the site? [Type of work]
3. What was he/she doing just before the injury or illness? [Tell what they were doing]
4. What tools, equipment or materials were being used? [Tools]
5. What directly caused harm to the employee? [The item]
6. Is the hazard that directly caused harm to the employee still in the workplace? Y N
 - a. If yes, could it potentially harm other employees? Y N How many? [##]
 - b. What steps have been taken to remove the hazard? [Abatement]
7. Has something like this happened (or almost happened) before in this workplace? Y N
If YES, how long ago and describe: [Past occurrences]

Additional Notes and Comments:

[All other comments, statements, other injured workers. Everything you'd want to know if you were doing the inspection]

Recommended Action: [Inspection RRI None]

OIS UPA#: _____

NOTE: The questions above, are to help guide Area Office personnel with the employer's initial call of a work-related incident. The questions in this document will need to be entered into OIS. When closing the call, the Area Office should close the intake call with the following:

Thank you. In the next few days we may be calling you, either to guide you through the next steps, or to gather additional information pertaining to the incident.

In the meantime, I encourage you to visit OSHA's webpage to find our resources for employers. We have a wide variety of educational materials and tools that businesses can use to understand, identify, and fix workplace hazards. You can find the webpage at www.osha.gov.

If you have any questions, you can reach me by phone at [AO Phone Number], email at [AO Email Address], or fax at [AO Fax Number]

Appendix B: Guidance for Conducting Initiating Call - Rapid Response Investigation (RRI)

The following suggested dialogue is intended to help gather the information detailed in Section VI.B.1. (Procedures for conducting RRI)

Hello, my name is [First & Last Name] and I am calling from the Occupational Safety and Health Administration to follow up on the incident report you made on [Click Here to Enter Date] that [First & Last Name of Injured Employee] was injured at your worksite at [Establishment Name and Address].

How is [Mr. or Mrs. Last Name of Injured Employee] doing? [Enter Employers Response]

The kinds of injury you reported often indicate the presence of hazards that could put other workers at risk. It is in everyone's best interest to fully understand why the incident occurred and how a recurrence can be prevented.

We ask that you conduct an internal investigate of the incident and identify both the immediate and the underlying causes of what happened. You should find out what led to the incident and what safety and health modifications can be made to prevent future injuries to other workers.

It is important to ask what the worker was doing at the time of the injury and to obtain all information about what the job task requires. I encourage you to involve your other employees in your investigation; since they work most closely with the equipment and processes and can help you answer these kinds of questions.

We want to know the results of your investigation. Please send us the results of your investigation in writing by [Click Here to Enter Date]. Please include supporting documents like photographs, videos, or test results that you gathered during your investigation.

Also, please provide written signed documentation of the actions you took to correct the hazard(s).

We want to inform you that OSHA may conduct a monitoring inspection. Employers will be selected randomly for monitoring inspections to ensure that RRIs are conducted effectively and consistently.

After this call I will send you a letter reviewing what we have just discussed. I will include some resources to guide you through the process of conducting your incident investigation. In addition, there are many resources on our webpage at www.osha.gov for employers like you who want to improve safety and health at their workplaces.

Do you have any questions for me? [Click Here to Enter Text]

I want to emphasize that it is important that it is very important that you respond to our request for information about the incident and that you provide the information about what actions you have taken to protect workers.

Again, my name is [First and Last Name] and if you have any additional questions, you can reach me by phone at [AO Phone Number], email at [AO Email Address], or fax at [AO Fax Number].

Appendix C-1: Sample OSHA Rapid Response Investigation (RRI) Letter

[Establishment Name & Address]

Attn: [Employer Name]

Dear [Mr. or Mrs. Employer Last Name]:

This letter is to follow up the conversation we had on [Click Here to Enter Date] in reference to [First & Last Name], the employee injured at your worksite on [Click Here to Enter Date]. As we discussed, there are some important steps you should be taking to ensure the safety of your workers and avoid the need for an OSHA inspection.

In most cases, a serious injury indicates the presence of workplace hazards that threaten the health and safety of other workers. OSHA is very concerned that additional employees at your worksite are at risk of being injured. As we discussed, it is in everyone's interest that you conduct a thorough investigation to determine the reasons for the work related incident, to identify hazards related to the incident and to implement corrective actions.

Please complete each of the following by [Click Here to Enter Date]:

- Conduct an incident investigation. (See **Non-Mandatory Investigative Tool – Attachment A**)
- Provide OSHA with written, signed documentation of findings from the investigation.
- Provide OSHA with written, signed abatement certification documenting action taken to correct hazards related to the incident.
- Send copy of the investigation and abatement verification to [AO Fax Number] or [AO Email].
- Post a copy of this letter in a conspicuous place where all affected employees will have notice or near the location where the incident occurred.
- Fax or email a copy of the signed Certificate of Posting (**Attachment B**) to [AO Fax Number] or [AO Email].

If you have a problem meeting this deadline or have any further questions, please call me.

If we do not receive the investigation results, abatement verification and certificate of posting by [Click Here to Enter Date], your worksite may be considered for an on-site inspection.

The goal of your incident investigation will be to identify both the immediate and the underlying causes of the incident. To assist you in conducting an investigation, I have attached a guide for your use, to ensure your employees are protected from future injuries. Additional resources are available at OSHA's Safety and Health Topics website at <https://www.osha.gov/dcsp/products/topics/incidentinvestigation/index.html> to assist you with conducting an Incident Investigation.

After correcting any immediate hazards, small and medium-sized businesses may be interested in requesting free, confidential assistance from the On-Site Consultation Program. Consultants from a state agency or university will work with you to identify workplace hazards, provide advice on compliance with OSHA standards, and assist you in establishing a safety and health management program. These services are separate from enforcement and do not result in penalties or citations. To find out more information about OSHA's On-Site Consultation Program, please visit the programs website at <https://www.osha.gov/dcsp/smallbusiness/consult.html> or call [State Consultation Office Contact Information] to reach your local On-Site Consultation office. Also, please find a copy of the OSHA pamphlet, "[FREE Safety and Health Consultation Services](#)" for your use in [English](#) or [Spanish](#).

Please note that it is against the law for employers to retaliate or discriminate in any way against an employee for raising safety and health issues or for exercising their rights under the OSHA law. This includes the right to report a work-related injury or illness to their employer, or to contact OSHA. More information about the Whistleblower Protection Program can be found at <http://www.whistleblowers.gov/>.

If you have any questions, please call me at [AO Phone Number] or email me at [AO Email]. Your support and interest in the safety and health of your employees is appreciated.

Sincerely,

[Area Director's Name]
Area Director

Appendix C-2: Sample OSHA Rapid Response Investigation (RRI) Closing Letter

[Establishment Name & Address]

Attn: [Employer Name]

Dear [Mr. or Mrs. Employer Last Name]

On [Click Here to Enter Date] we received your investigation, abatement verification and certificate of posting concerning the incident on [Click Here to Enter Date] where an employee was injured on your worksite.

Based on our review of this information, we are closing our file on this matter and no further action is anticipated at this time.

We appreciate your prompt response to the work related incident and your willingness to conduct an internal investigation, provide the findings of your investigation, and take all actions to correct hazards and protect employees from a similar incident.

Please feel free to contact this office if we can be of additional assistance to you.

Sincerely,

[Area Director's Name]
Area Director

Appendix D-1: Non -Mandatory Investigative Tool for Employers

A. ESTABLISHMENT INFORMATION

1. Name of Investigator: **[First & Last Name]**
2. Job Title: **[Click Here to Enter Text]**
3. Name of Company: **[Click Here to Enter Text]**
4. Address: **[Street or Mailing] [City, CO 12345]**
5. Contact Phone: **[800 321-6742]**
6. Fax: **[800 321-OSHA]**
7. E-Mail: **[Company@gmail.com]**
8. NAICS: **[112233]**
9. How many Employees at: a) Worksite **[#####]** b) All Locations **[#####]**
10. Union: Y N
11. Union Name and Contact Info: [**Click Here to Enter Text**]

B. INJURED EMPLOYEE INFORMATION

1. Injured Employee: **[First & Last name]**
2. Age: **[##]**
3. Gender: M F
(For additional employees, use continuation section at end of form.)
4. Employee Typical Job Title: **[Click Here to Enter Text]**
5. Job at Time of Incident: **[Click Here to Enter Text]**
6. Type of Employment (check all that apply): Full Time Part Time Seasonal
Temporary Other: **[Click Here to Enter Text]**
7. Length of Employment with the Company: **[Click Here to Enter Text]**
8. Amount of time in current position at time of incident: **[Click Here to Enter Text]**
9. Nature of Injury: **[Choose an item]** Other: **[Click Here to Enter Text]**
10. Part of Body: **[Choose an item]** Other: **[Click Here to Enter Text]**

C. INCIDENT INVESTIGATION

1. Date and time of the incident: **[Click Here to Enter Date and Time]**
2. Location of incident: **[Click Here to Enter Text]**
3. What was the employee doing just before the incident occurred?

Instructions: Describe the activity; including the tools, equipment, or material the employee was using. Be specific. Example: "climbing a ladder while carrying roofing materials" and "changing gasket on a chlorine line".

4. What happened?

Instructions: Provide a detailed description of the incident and how the injury occurred. Provide details such as measurements, sequence of events, equipment RPMs, trench dimensions, the type of vehicle(s) involved, discuss use of hazard controls such as guards or PPE. Examples: "bucket of chemical X spilled on the floor", "ladder slipped on wet floor", "worker fell 20ft.", "employee was sprayed with chlorine when gasket broke during replacement" and "employee was not wearing PPE".

5. What was the injury or illness?

Instructions: Describe the part of the body that was affected and how it was affected. Be more specific than "hurt", "painful" or "sore". Examples: "fractured vertebrae" and "chemical burn to the hand".

6. What object or substance directly harmed the employee?

Instructions: Provide the type, brand, size, distinguishing features, condition, or specific part that harmed the employee. Example: "band saw blade".

D. WHAT CAUSED OR ALLOWED THIS INCIDENT TO HAPPEN?

Instructions: What were the underlying reasons the incident occurred – and are the factors that need to be addressed to prevent future incidents? If safety procedures were not being followed, why were they not being followed? If a machine was faulty or a safety device failed, why did it fail? It is common to find factors that contributed to the incident in several of these areas: equipment/machinery, tools, procedures and policies, training or lack of training, work environment. If you identify these factors, try to determine why these factors were not addressed before the incident.

E. CORRECTIVE ACTIONS TAKEN TO PREVENT FUTURE INCIDENTS

1. Hazardous condition(s) identified and corrective action taken by employer.

Instructions: Describe the immediate measures taken, interim and/or long-term actions necessary to correct hazardous condition(s). Also, use this section to track the completion of multi-step corrective actions as well as final corrective actions used to abate the hazardous condition.

2. Corrective Actions: **[Choose an item]** Other: **[Click Here to Enter Text]**

3. Additional notes and comments.

Instructions: Provide additional comments, including statements from eye-witnesses and injured employee(s).

4. Date Hazardous Condition was Abated: **[Click Here to Enter Date]**

F. Employer Name: [Click Here to Enter Text]

Employer Signature: _____ Date: _____
or

This Constitutes my Electronic Signature. Date: [Click Here to Enter Date]
(If this box is checked, this submission shall be considered as an authorized written signature.)

NOTE:

- This investigation tool is provided to assist employers in finding the cause of incidents and to prevent similar incidents in the future. It contains criteria that may be used to evaluate the capabilities of current safety practice(s). The employer is encouraged to use this document or other equivalent form, as a means for abatement verification and submit their corrective actions in Section E and sign Section F. This is a **non-mandatory** tool.

- Additional resources are available at:
 - OSHA’s website, “www.osha.gov”.
 - OSHA’s Safety and Health Topics Page, “[Incident Investigation](#)”.
 - OSHA Guidance Document, “[Incident \[Accident\] Investigations: A Guide for Employers](#)”.
 - National Safety Council, “[How to Conduct an Incident Investigation](#)”.
 - OSHA’s On-site Consultation Program (Free Service):
https://www.osha.gov/dcsp/smallbusiness/consult_directory_text.html

Appendix D-2:
Certification of Posting

Activity Number: [Click Here to Enter Number](#)

Date of Posting: [Click Here to Enter Date](#)

**Date Copy Given to an
Employee Representative:** [Click Here to Enter Date](#)

On behalf of the employer, I certify that a copy of the letter received from the Occupational Safety and Health Administration (OSHA) concerning the workplace injury that occurred on *** has been posted in a conspicuous place where all affected employees will have notice or near such location where the incident occurred, and a copy of the letter has been given to each authorized representative of affected employees, if any. The letter was or will be posted for a minimum of ten (10) working days or until any hazardous condition(s) are corrected.**

Signature: _____

Title: _____

Employer and Establishment Name

Appendix D-3



How to Conduct an Incident Investigation

Your company has just experienced an incident resulting in an unintentional injury to a worker. Now what? Reacting quickly to the incident with a prescribed procedure and actions can demonstrate your company's commitment to safety and ensure the proper information is collected to fulfill an incident investigation's ultimate purpose – to prevent future incidents.

Steps in an Investigation Process



The investigation process should begin after arranging for first aid or medical treatment for the injured person(s). In getting started, remind everyone involved—especially workers—the investigation is to learn and prevent, not find fault. Steps of the investigation process include:

1. Call or gather the necessary person(s) to conduct the investigation and obtain the investigation kit.
2. Secure the area where the injury occurred and preserve the work area as it is.
3. Identify and gather witnesses to the injury event.
4. Interview the involved worker.
5. Interview all witnesses.
6. Document the scene of the injury through photos or videos.
7. Complete the investigation report, including determination of what caused the incident and what corrective actions will prevent recurrences.
8. Use results to improve the injury and illness prevention program to better identify and control hazards before they result in incidents.
9. Ensure follow-up on completion of corrective actions.

What to Include in the Documented Investigation Process

As with many processes, preparation and documentation are crucial. As part of the injury and illness prevention program, the investigation procedure should detail:

- Who should conduct and participate in the investigation
- Incidents to be investigated
- Information to be collected
- Identification of causal factors (often referred to as root causes)
- Determination of corrective actions
- Tracking completion of corrective actions



Who is involved - Normally, the investigation is conducted by the injured worker's immediate supervisor. However, assistance can also be provided by the safety practitioner, or team members from an investigative or review committee or safety committee if such teams exist. In cases involving a fatality, senior management personnel, engineering staff or legal counsel may also be involved. Those participating in the investigation would include the injured worker, witnesses to the incident or events preceding it, and the injured worker's immediate supervisor if some other person is conducting the investigation. The injured employee may also request the presence of an employee representative during the interview if contractual agreements are in place.

What gets investigated - Any incident resulting in a fatality or serious injury should be thoroughly investigated. To obtain the best possible data to aid in predicting and preventing future incidents, it is also recommended that all recordable, first aid and near miss/close call incidents be investigated.

Information to collect - The type of information that should be collected during the investigation process includes:

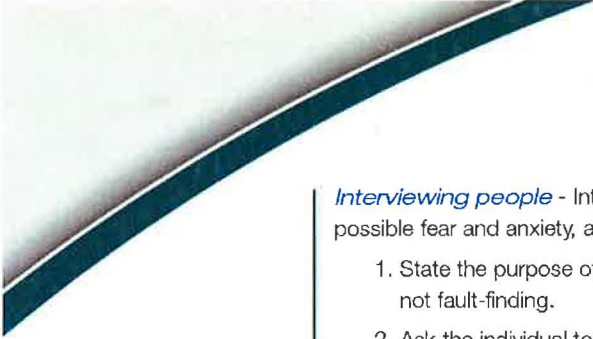


- Worker characteristics (age, gender, department, job title, experience level, tenure in company and job, training records, and whether they are full-time, part-time, seasonal, temporary or contract)
- Injury characteristics (describe the injury or illness, part(s) of body affected and degree of severity)
- Narrative description and sequencing of events (location of incident; complete sequence of events leading up to the injury or near miss; objects or substances involved in event; conditions such as temperature, light, noise, weather; how injury occurred; whether preventive measure had been in place; what happened after injury or near miss occurred)
- Characteristics of equipment associated with incident (type, brand, size, distinguishing features, condition, specific part involved)
- Characteristics of the task being performed when incident occurred (general task, specific activity, posture and location of injured worker, working alone or with others)
- Time factors (time of day, hour in injured worker's shift, type of shift, phase of worker's day such as performing work, break time, mealtime, overtime, or entering/leaving facility)
- Supervision information (at time of incident whether injured worker was being supervised directly, indirectly, or not at all and whether supervision was feasible)
- Causal factors (specific events and conditions contributing to the incident)
- Corrective actions (immediate measures taken, interim or long-term actions necessary)

What to have on hand - To be prepared to complete an investigation promptly following an incident, it is best to have prepared a kit ahead of time that includes:

- | | |
|----------------------------|---------------------|
| • Investigation forms | • Voice recorder |
| • Interview forms | • Measuring tape |
| • Barricade markers/tape | • Flashlight |
| • Warning tags or padlocks | • Sample containers |
| • Camera or video recorder | |





Interviewing people - Interviewing injured workers and witnesses necessitates reducing their possible fear and anxiety, and developing a good rapport. Interviews should follow these steps:

1. State the purpose of the investigation and interview is to do fact-finding, not fault-finding.
2. Ask the individual to recount their version of what happened without interrupting. Take notes or record their response.
3. Ask clarifying questions to fill in missing information.
4. Reflect back to the interviewee the factual information obtained. Correct any inconsistencies.
5. Ask the individual what they think could have prevented the incident, focusing on the conditions and events preceding the injury.



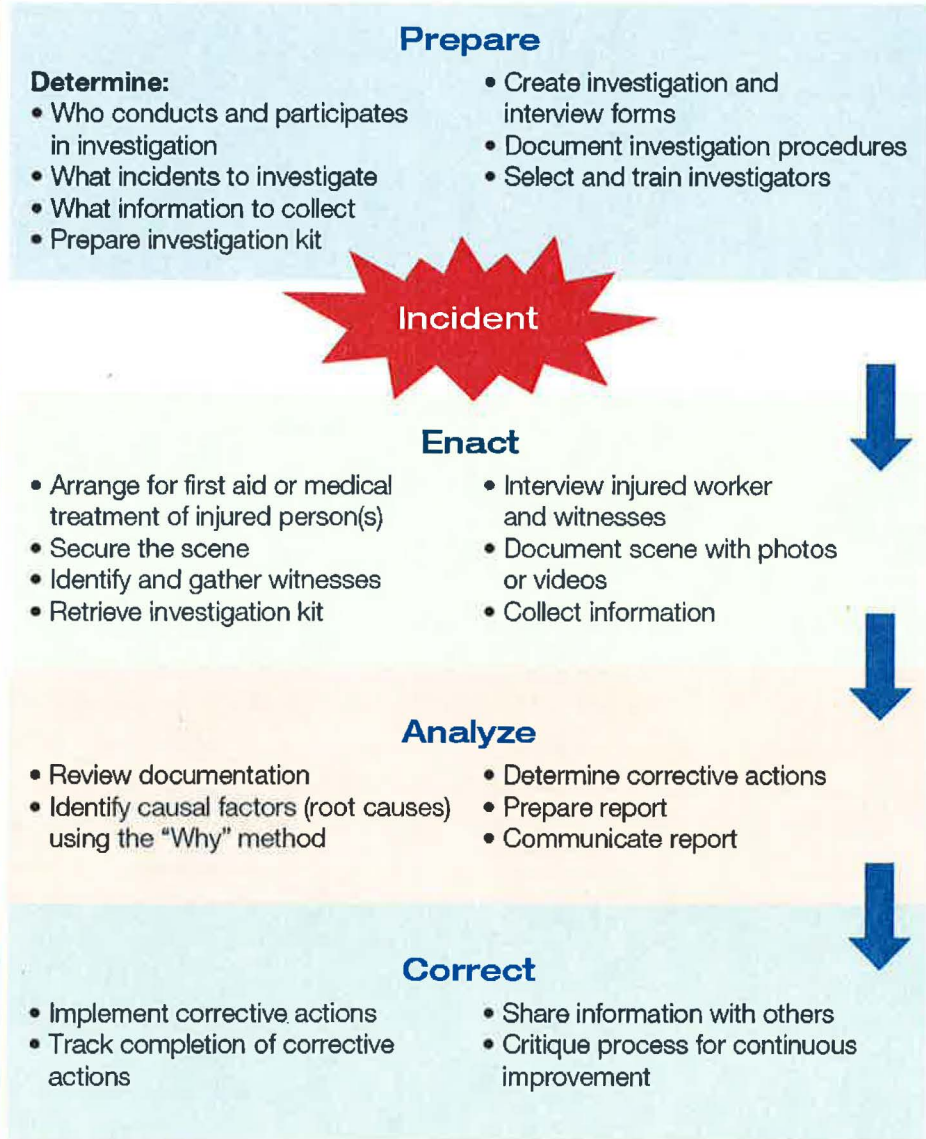
Determining causal factors – The purpose of all this fact-finding is to determine all the contributing factors to why the incident occurred. Statements such as “worker was careless” or “employee did not follow safety procedures” don’t get at the root cause of the incident. To avoid these incomplete and misleading conclusions in your investigative process, continue to ask “Why?” as in “Why did the employee not follow safety procedures?” Contributing factors may involve equipment, environment, people and management. Questions that help reveal these may include:

1. Was a hazardous condition a contributing factor? (defects in equipment/tools/materials, condition recognized, equipment inspections, correct equipment used or available, substitute equipment used, design or quality of equipment)
2. Was the location of equipment/materials/worker(s) a contributing factor? (employee supposed to be there, sufficient workspace, environmental conditions)
3. Was the job procedure a contributing factor? (written or known procedures, ability to perform the job, difficult tasks within the job, anything encouraging deviation from job procedures such as incentives or speed of completion)
4. Was lack of personal protective equipment or emergency equipment a contributing factor? (PPE specified for job/task, adequacy of PPE, whether PPE used at all or correctly, emergency equipment specified, available, properly used, function as intended)
5. Was a management system defect a contributing factor? (failure of supervisor to detect or report hazardous condition or deviation from job procedure, supervisor accountability understood, supervisor or worker adequately trained, failure to initiate corrective action)

Completing report and documenting corrective actions - At this point, once you've gathered information and interviewed the involved worker and any witnesses, you can prepare the investigation report itself and formulate corrective actions. Your company should have determined who the report is sent to, within what time frame and what information gets communicated to workers, management, or gets filed or posted. Each corrective action listed should have a person assigned ultimate responsibility for the action, a completion date set and a place to mark completion of the item.



Incident Investigation Process Diagram



Nearly 11 workers die on the job each day and 5 million are injured in the U.S. annually. The National Safety Council has launched the **Journey to Safety Excellence®** Campaign, with national sponsor Grainger, to help keep your workers safe. The Journey provides you with free tools and resources to make workplaces of any size or industry safer. For more information and to become a part of a growing online community of safety practitioners, visit nsc.org/journey and join today!

Through the OSHA and National Safety Council Alliance, NSC developed this fact sheet for information purposes only. It does not necessarily reflect the official views of OSHA or the U.S. Department of Labor. December 2014

Under the Occupational Safety and Health Act, employers are responsible for providing a safe and healthy workplace and workers have rights. OSHA can help answer questions or concerns from employers and workers. OSHA's On-site Consultation Program offers free and confidential advice to small and medium-sized businesses, with priority given to high-hazard worksites. For more information, contact your regional or area OSHA office, call 1-800-321-OSHA (6742), or visit www.osha.gov.

Appendix E

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[For internal OSHA use only]