



Introduction:

OSHA, Region 10, and the OSHA Training Institute Education Center at the University of Washington



Introduction

Since 1995, the University of Washington Department of Environmental and Occupational Health Sciences has housed the OSHA-authorized Pacific Northwest OSHA Education Center. Our experienced instructors provide high quality, OSHA standards-based training for the private and public sectors in Washington, Oregon, Idaho, and Alaska. The OSHA Training Institute Education Center for Region 10 at the University of Washington is pleased to offer OSHA 7505 Introduction to Incident (Accident) Investigation.

The OSHA Office of Education and Training Development, Directorate of Training and Education (DTE) has developed a goal for this course:

Goal: Given the occurrence of a workplace incident, the learner will be able to conduct an incident investigation using a systems approach.

The OSHA Training Institute has developed Terminal Learning Objectives for this course which are listed at the beginning of each module. Additional information is included which is specific to the Region 10 states in order to better serve students practicing within this region. This course is intended for employers, managers, employees, employee representatives, and safety and health professionals who are responsible for conducting incident investigations in the workplace.

OSHA and Incident (Accident) Investigation

The Occupational Safety and Health Act, or OSHA, was signed into law in 1970. The OSH Act created the Occupational Safety and Health Administration, or OSHA, and gave this administration the responsibility and authority to establish occupational health and safety requirements. The OSH Act also gave the administration authority to enforce these regulations. Initially, OSHA covered employees working within the private sector only. In 1980, Executive Order 12196 was enacted, which gave OSHA authority over Federal employees. This order was continued in 1987 by Executive Order 12160, and in 1995 29 CFR 1960 Basic Elements for Federal Employees, OSH Programs.

OSHA regulations require that employers report to OSHA any serious workplace accident/incident that results in:

- Death
- Hospitalization of one or more employees
- Loss of an eye
- Amputation

Timelines for reporting of serious workplace accidents/incidents can vary by state. In Region 10:

Type of incident	Alaska	Oregon	Washington	OSHA/Idaho
Death	8 hrs	8 hrs	8 hrs	8 hrs
Hospitalization	8 hrs	1 employee-24 hrs 2 or more-8 hrs	8 hrs	24 hrs
Loss of eye	24 hrs	24 hrs	24 hrs	24 hrs
Amputation	24 hrs	24 hrs	24 hrs	24 hrs



OSHA opens an inspection for reportable accidents/incidents. The employer must not disturb the incident scene until OSHA arrives to begin the inspection, unless it is necessary to treat the injured/or ill person. The employer must cooperate with OSHA during the inspection. The inspection may identify violations of one or more OSHA standards, and result in a citation.

OSHA also requires that employers track work related injuries and illnesses on the OSHA 300 form, and document supplemental information on the OSHA 301 for equivalent. Many employers use a workplace accident/incident investigation form as the OSHA 301 equivalent.

Related Regulations:

In many situations, a safety hazard may exist that is not covered by a specific standard or regulation. In these situations, OSHA can still issue citations under the General Duty Clause of the OSH Act (29 USC 654 Section 5). Citations under the General Duty Cause may be issued during an OSHA investigation that follows a serious workplace incident.

OSHA issues clarifications and interpretations of regulations, as well as tools and guidance documents, and these can be found on the OSHA website, www.osha.gov.

Enforcement Authority:

The OSH Act gives the OSH Administration authority to enforce the regulations that they develop through inspections and issuance of citations and penalties for violations. Any employer within OSHA’s jurisdictional authority is subject to inspection.

OSHA Guidance

OSHA publishes educational documents and guidelines in addition to promulgating regulations. OSHA has published a document titled *Incident (Accident) Investigations: A Guide for Employers*.

OSHA provides additional guidance on their website:

- <https://www.osha.gov/dcsp/products/topics/incidentinvestigation/index.html#additionalresources>

In their guidance documents, OSHA encourages employers to investigate all incidents in which a worker was hurt or could have been hurt, and take corrective actions to prevent future workplace incidents and injuries from occurring.

OSHA has formed an alliance with the National Safety Council. Through this Alliance OSHA and the National Safety Council have produced additional guidance on workplace accident/incident investigation.

- <https://www.osha.gov/dcsp/alliances/nsc/nsc.html#!1B>

SEC. 5. Duties	
(a) Each employer --	
(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;	29 USC 654
(2) shall comply with occupational safety and health standards promulgated under this Act.	
(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.	



OSHA[®] FactSheet

OSHA Inspections

The Occupational Safety and Health Administration is committed to strong, fair and effective enforcement of safety and health requirements in the workplace. OSHA inspectors, called compliance safety and health officers, are experienced, well-trained industrial hygienists and safety professionals whose goal is to assure compliance with OSHA requirements and help employers and workers reduce on-the-job hazards and prevent injuries, illnesses and deaths in the workplace.

Normally, OSHA conducts inspections without advance notice. Employers have the right to require compliance officers to obtain an inspection warrant before entering the worksite.

Inspection Priorities

OSHA cannot inspect all 7 million workplaces it covers each year. The agency seeks to focus its inspection resources on the most hazardous workplaces in the following order of priority:

- 1. Imminent danger situations**—hazards that could cause death or serious physical harm receive top priority. Compliance officers will ask employers to correct these hazards immediately or remove endangered employees.
- 2. Severe injuries and illnesses**—employers must report:
 - All work-related fatalities within 8 hours.
 - All work-related inpatient hospitalizations, amputations, or losses of an eye within 24 hours.
- 3. Worker Complaints**—allegations of hazards or violations also receive a high priority. Employees may request anonymity when they file complaints.
- 4. Referrals** of hazards from other federal, state or local agencies, individuals, organizations or the media receive consideration for inspection.
- 5. Targeted inspections**—inspections aimed at specific high-hazard industries or individual workplaces that have experienced high rates of injuries and illnesses also receive priority.
- 6. Follow-up inspections**—checks for abatement of violations cited during previous inspections are also conducted by the agency in certain circumstances.

Phone/Fax Investigations

OSHA carefully prioritizes all complaints it receives based on their severity. For lower-priority hazards, with permission of a complainant, OSHA may telephone the employer to describe safety and health concerns, following up with a fax providing details on alleged safety and health hazards. The employer must respond in writing within five working days, identifying any problems found and noting corrective actions taken or planned. If the response is adequate and the complainant is satisfied with the response, OSHA generally will not conduct an on-site inspection.

On-site Inspections

Preparation—Before conducting an inspection, OSHA compliance officers research the inspection history of a worksite using various data sources, review the operations and processes in use and the standards most likely to apply. They gather appropriate personal protective equipment and testing instruments to measure potential hazards.

Presentation of credentials—The on-site inspection begins with the presentation of the compliance officer's credentials, which include both a photograph and a serial number.

Opening Conference—The compliance officer will explain why OSHA selected the workplace for inspection and describe the scope of the inspection, walkaround procedures, employee representation and employee interviews. The employer then selects a representative to accompany the compliance officer during the



inspection. An authorized representative of the employees, if any, also has the right to go along. In any case, the compliance officer will consult privately with a reasonable number of employees during the inspection.

Walkaround—Following the opening conference, the compliance officer and the representatives will walk through the portions of the workplace covered by the inspection, inspecting for hazards that could lead to employee injury or illness. The compliance officer will also review worksite injury and illness records and the posting of the official OSHA poster.

During the walkaround, compliance officers may point out some apparent violations that can be corrected immediately. While the law requires that these hazards must still be cited, prompt correction is a sign of good faith on the part of the employer. Compliance officers try to minimize work interruptions during the inspection and will keep confidential any trade secrets they observe.

Closing Conference—After the walkaround, the compliance officer holds a closing conference with the employer and the employee representatives to discuss the findings. The compliance officer discusses possible courses of action an employer may take following an inspection, which could include an informal conference with OSHA or contesting citations and proposed penalties. The compliance officer also discusses consultation services and employee rights.

Results

When an inspector finds violations of OSHA standards or serious hazards, OSHA may issue citations and fines. OSHA must issue a citation

and proposed penalty within six months of the violation’s occurrence. Citations describe OSHA requirements allegedly violated, list any proposed penalties and give a deadline for correcting the alleged hazards. Violations are categorized as willful, serious, other-than-serious, *de minimis*, failure to abate, and repeated. Penalties may range up to \$7,000 for each serious violation and up to \$70,000 for each willful or repeated violation. In settling a penalty, OSHA has a policy of reducing penalties for small employers and those acting in good faith. For serious violations, OSHA may also reduce the proposed penalty based on the gravity of the alleged violation. No good faith adjustment will be made for alleged willful violations.

Appeals

When OSHA issues a citation to an employer, it also offers the employer an opportunity for an informal conference with the OSHA Area Director to discuss citations, penalties, abatement dates or any other information pertinent to the inspection. The agency and the employer may work out a settlement agreement to resolve the matter and to eliminate the hazard. OSHA’s primary goal is correcting hazards and maintaining compliance rather than issuing citations or collecting penalties.

Alternatively, employers have 15 working days after receipt of citations and proposed penalties to formally contest the alleged violations and/or penalties by sending a written notice to the Area Director. OSHA forwards the contest to the Occupational Safety and Health Review Commission for independent review. Alternatively, citations, penalties and abatement dates that are not challenged by the employer or settled become a final order of the Occupational Safety and Health Review Commission.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It’s confidential.



www.osha.gov (800) 321-OSHA (6742)



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Region 10:

OSHA Region 10 includes the states of Alaska, Idaho, Oregon and Washington.

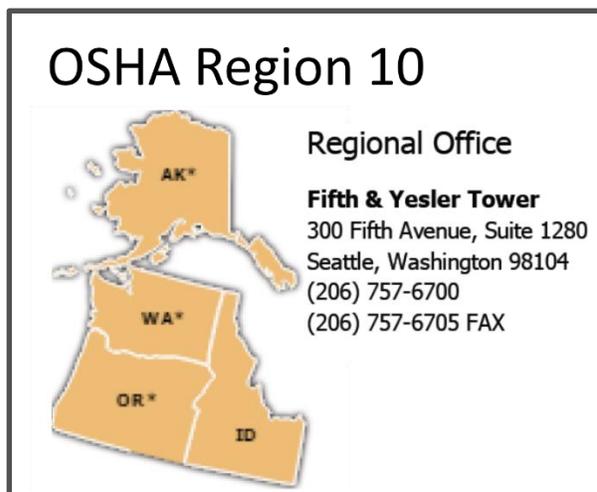
Alaska is a State Plan state, and has incorporated the federal OSHA standards by reference. . Information on the Alaska state plan and AKOSH can be found at:

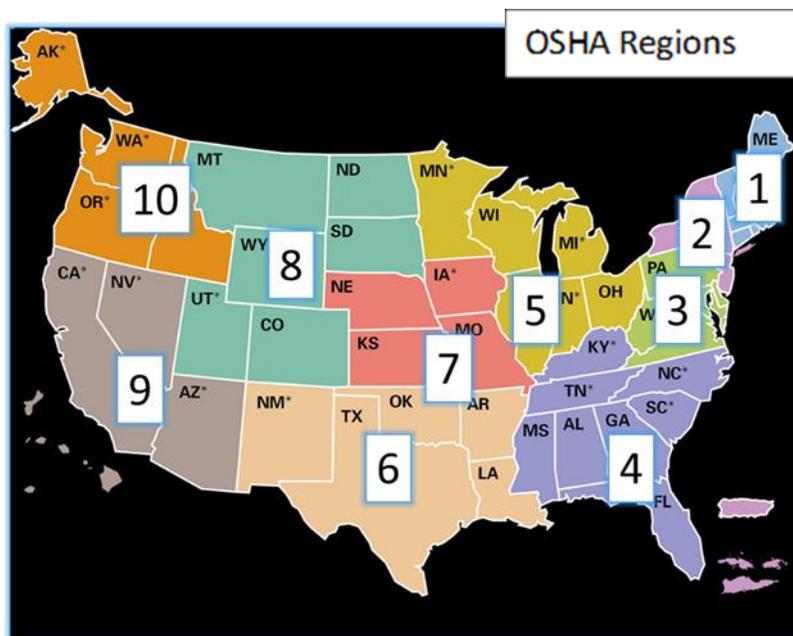
<http://labor.state.ak.us/lss/oshhome.htm>

Idaho is an OSHA state. Federal OSHA regulations apply and OSHA inspectors have jurisdiction throughout the state.

Oregon is a State Plan state, and has promulgated a number of state specific occupational safety and health regulations. Oregon requires that employers investigate every lost time injury to determine the means that should be taken to prevent recurrence (OAR 437-991-0760 (3)). Industry specific rules in Oregon also have requirements for accident investigation. For example, OAR 437-007-0125 (Forest Activities) requires employers to identify measures to prevent recurrence of “near misses” as well as fatal and recordable injuries and illnesses. Oregon’s General Administration Rules also require that employers with 10 or more employees form safety committees, and safety committees must work with management to establish, amend, or adopt accident investigation procedures that will identify and correct hazards. Safety committees must also evaluate all accident investigations and make recommendations to prevent similar accidents from recurring. (OAR 437-001-0765). Oregon OSHA, or OR-OSHA has jurisdiction within the state, although Federal OSHA has jurisdiction over Federal employees within Oregon. Information on Oregon OSHA can be found at: <http://www.orosha.org/>

Washington is a State Plan state, and has promulgated comprehensive occupational health and safety laws. Many rules have been re-written following the 1999 “clear rule writing” initiative implemented by the state. Washington requires that employers develop a written Accident Prevention Program (WAC 296-800-140) and establish Safety Committees if the employer has 10 or more employees (WAC 296-800-130). An Accident Prevention Program must include instruction for employees on how to report on-the-job injuries during safety orientation. Safety committees must cover a number of specific topics during safety committee meetings, including an evaluation of accident investigations conducted since the last meeting to determine if the cause(s) of the unsafe situation was identified and corrected. The Washington State Department of Safety and Health (DOSH) has jurisdiction within the state, although Federal OSHA has jurisdiction over Federal employees within Washington. Information on Washington Safety and Health can be found at: <http://www.lni.wa.gov/safety/>





Oregon and Washington have strong workplace safety cultures, and have had state safety and health rules that pre-date OSHA. The Washington State Constitution, established in 1889, contains language requiring worker safety protections. In 1891, Washington created the Washington State Coal Mine inspection office, and in 1897, created the Bureau of Labor and hired one inspector.

After the turn of the century, Oregon created its Bureau of Labor Statistics and hired Inspectors of Factories and Workshops. Washington created its Factory Inspection Law in 1905, and Oregon created its own Factory Inspection Law in 1907. Oregon followed with the Employers Liability Law in 1910.

Washington State issued the State Worker’s Compensation Insurance and Safety Act in 1911. This law established an insurance fund that covered the cost of workplace injuries, and was a “no fault” law, meaning the cost of injuries was covered irrespective of whether anyone was at fault. This law provided an incentive for employers to implement preventative measures to reduce and eliminate workplace accidents. Oregon issued its Worker’s Compensation Act in 1913, as did the State of California.

Washington created a State Safety Board in 1919, and issued its first safety standard in 1923. However, Oregon had started issuing safety laws two years earlier, in 1921. Oregon’s General Safety Manual became law in 1937, the Oregon Accident Prevention Division was established in 1941, and the Oregon Occupational Disease Law was implemented in 1943.

After the establishment of Federal OSHA, the Oregon Safe Employment Act and the Washington Industrial Safety and Health Act were established by 1973. Alaska also implemented its state plan in the same year.

