

CANCELLED

**State of Alaska
Department of Labor
Division of Labor Standards and Safety**

AKOSH Program Directive 98-14

Date: October 14, 1998
To: All AKOSH Staff
From: Alan W. Dwyer, Director
Subject: AKOSH Support of NIOSH "FACE" Program

A. Purpose. This AKOSH Program Directive provides guidelines for the cooperation of AKOSH with the Alaska Department of Health and Social Services (DHSS), Division of Public Health, Section of Epidemiology in support of the National Institute of Occupational Safety and Health (NIOSH) state-based Fatality Assessment and Control Evaluation (FACE) Program.

B. Benefits of the FACE Program. The state-based FACE Program is a NIOSH funded project focusing on identification and epidemiologic investigation of work-related fatalities. The two main categories of fatalities that are of primary interest to the FACE Program are falls from elevation and machinery. However, the program may also investigate occupation-related fatalities occurring in other industries, including but not limited to, logging and construction. The Occupational Injury Prevention Program (OIPP) of the Section of Epidemiology, DHSS, administrates the Alaska FACE program under a cooperative agreement with NIOSH to conduct FACE investigations. DHSS will need the assistance of various state agencies including AKOSH to identify fatal accident cases. AKOSH will continue to cooperate with DHSS and NIOSH in FACE investigations. This cooperation will benefit AKOSH in identifying occupational fatalities and will also provide additional and more timely information on where fatalities occur. Also, the FACE investigations will provide useful data to help target further occupational safety research and to set standards.

C. Guidelines for Cooperation with DHSS and NIOSH FACE Investigators.

1. General. The OIPP will be conducting independent accident investigations gathering data to identify factors that may increase the risk of work-related fatal injuries. The sole purpose of these investigations is to gather analytical data and formulate prevention strategies. FACE will not determine fault associated with the accident or evaluate the employer's compliance with AKOSH standards. As an independent activity, FACE is not intended to be a substitute for current AKOSH fatality reporting or investigation practice. The Chief of AKOSH is expected to explain the FACE Program to compliance officers and to make every effort to introduce the FACE investigator to field staff in order to foster cooperation between the two agencies.

2. Notification. The Chief of AKOSH will notify OIPP as soon as possible after being notified on an industrial fatality. Notice of all work-related fatalities, even those that are not in AKOSH's jurisdiction, should be forwarded to OIPP at (907)269-8078.

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a. If the Alaska FACE investigator notifies AKOSH of a fatality, the Chief of AKOSH shall determine whether the fatality has been reported to AKOSH, and if the investigation falls within the jurisdiction of AKOSH. If the fatality has not been reported, the Chief will take the appropriate information and decide whether an inspection should be initiated.

b. The initial contact with the employer by the Chief of AKOSH shall inform the employer of the existence of the Alaska FACE Program and that their participation is voluntary. He or she will request the employer's cooperation with OIPP in conducting their investigation. Questions will be referred to the FACE investigator.

3. Inspection Jurisdiction. In an effort not to confuse or mislead the employer concerning jurisdictional authority and to eliminate suspicion on the part of the employer, independent inspection will be conducted.

a. There may be unavoidable circumstances or conditions under which concurrent investigations will have to be performed. Knowing that this likelihood exists, and the likelihood that the results of the FACE program will eventually be nationwide, inspection authority issues may at times pose problems. The following guidelines shall be used:

(1) If the Chief of AKOSH decides to schedule an inspection of the facility or site, he or she will call the FACE investigator before beginning the inspection. However, the inspection will not be postponed if the FACE investigator is not available to participate.

(2) If the right of entry becomes an issue for either one or both of the investigators, the Compliance Officer or Industrial Hygienist will follow the procedures outlined in the FIRM. The FACE investigator will pursue the statutory right of entry under DHSS statutes, regulations and procedures.

b. If a concurrent investigation is held, the AKOSH Enforcement Officer will be in charge of the inspection and the FACE investigator will be requested not to perform any inspection activity without the agreement of the AKOSH Enforcement Officer.

c. In those circumstances where AKOSH does not have jurisdiction over the worksite, the FACE investigator will be referred to the agency having the jurisdiction to investigate the accident.

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4. Confidentiality of Information. AKOSH will follow all confidentiality provisions if the FACE investigator requests a copy of the AKOSH fatality investigation. AKOSH will not charge the normal copying fee to DHSS.

Cancellation: This Program Directive cancels PD 92-3.

Distribution:

Richard S. Terrill, Acting Regional Administrator, USDOL, OSHA, Region X

Barry Noll, Alaska Area Director, USDOL, OSHA, Region X

Thomas Stuart, Chief, LS&S, AKOSH

Timothy Bundy, Assistant Chief, LS&S, AKOSH, C&T

Michael Russell, Assistant Chief, LS&S, AKOSH, Enforcement

Laura Baker, Administrative Manager III, LS&S

Kathy Kastens, Administrative Assistant, LS&S, AKOSH