



State of Alaska
Department of Labor and Workforce Development
Division of Labor Standards and Safety

AKOSH Program Directive 05-11

Date: May 25, 2005

To: Distribution List

From: Grey R. Mitchell Director

Subject: **CPL 02-00-137 Fatality / Catastrophe Investigation Procedures.**

This Program Directive, PD 05-11, is notice that Alaska Department of Labor & Workforce Development, Division of Labor Standards & Safety will implement the recommendations for states included in CPL 02-00-137 (CPL 137).

This instruction implements guidance for federal OSHA and encourages States to adopt similar comprehensive guidance for the conduct of fatality and catastrophe investigations and subsequent enforcement activities.

Based on the recommendations in CPL 137, Alaska has or will develop comparable procedures for fatality and catastrophe investigations, particularly with regard to:

1. Section V (A.)(1), (2) – IMIS Forms. As a State Plan participant, Alaska will continue to submit all IMIS data relating to fatalities as discussed in CPL 137 under special provisions for State Plans, section V.

2. Section VIII - training; AKOSH Compliance Safety & Health Officers (CSHOs) are already trained in the following courses described in CPL 137:

- A. Initial Compliance Course (1000)
- B. Basic Accident Investigation (1020)
- C. Inspection Techniques and Legal Aspects (1410)

As funding permits, at least half the AKOSH CSHOs will be trained in:

- D. Advanced Accident Investigation (2020)
- E. Criminal Investigation Training Program (3420)

3. Section XIII - early determinations as to potential for criminal violations and appropriate case development;

- A. AKOSH staff will implement Section XIII, subsections A, B, C, D and G.
- B. Items E and F are implemented federally.
- C. Where “Area Director” is referred to in CPL 137, in Alaska the equivalent position is the Chief of Enforcement.
- D. Where “Regional Administrator” is referred to in CPL 137, in Alaska the equivalent position is Division Director.
- E. Where “Regional Solicitor” is referenced in CPL 137, in Alaska the equivalent position would be staff in the State District Attorney’s office that handles evidence for possible prosecution.

4. Section XIV - contact with family members;

- A. AKOSH currently implements subsections A, B, D and E as written in CPL 137.
- B. Subsection C - Informational letter to emergency contact. Only a single informational letter is sent by AKOSH under the Chief of Enforcement’s signature.
- C. Subsection F – Releasable portions of case. AKOSH will follow the guidelines laid out in CPL 137. This is a change from past policy. Effective immediately:
 - i. Citations will be released to the family.
 - ii. Other than the citation, releasable portions of the case file will not be made available to family members until after the contest period has passed and no contest has been filed.
 - iii. If a contest is filed, the case file will not be made available until after the litigation is complete.
 - iv. Additionally, if a criminal referral is under consideration or has been made, the case file cannot be released to the family.

5. Sections XVII-XVIII - Pre-citation review / Post-citation review;

All subsections in these sections are used in an AKOSH fatality investigation, as appropriate to the investigation, with the following modifications.

- A. Where “Area Director” is referenced, in Alaska the equivalent position is the Chief of Enforcement.
- B. Where “Regional Administrator” is referenced, in Alaska the equivalent position is Division Director.

- C. Where “Regional Solicitor” is referenced, in Alaska the equivalent position would be staff in the State District Attorney’s office.

6. Section XIX – Audit Procedures.

- A. Subsection A (1), (4), (5) are completed as a matter of course in Alaska as part of the data management agreement with Federal OSHA.
- B. Subsection A (2) and (3), and Subsection B are functions of Federal OSHA data management and are not the responsibility of AKOSH.

7. Section XX – Relationship to Other Programs and Activities (AKOSH response in the event of catastrophic, significant, rescue, EEP, and homeland security issues)

AKOSH will integrate staff on a case-by-case basis. Overall guidelines and implementation plans established through the State Emergency Response Plan will be followed, upon the direction of the Director of Labor Standards & Safety.

8. Section XXI – Jurisdictional Issues

A. Death by Natural Causes. Alaska has not adopted by reference 29 CFR 1904.39 or any of its subsections. Alaska currently follows the reporting requirement under AS 18.60.058(a), which does not initially differentiate between type of fatality at the workplace. A decision to investigate is made by the Chief of Enforcement based on circumstances, including reports by the Medical Examiner as to cause of death.

B. Workplace Violence. Alaska Statutes and Regulations do not address workplace violence specifically. In Alaska, all workplace fatalities must be reported, and, as determined by the Chief of Enforcement, those caused by workplace violence may be investigated under the Alaska Statute General Duty clause AS 18.60.075 (a)(4).

C. Motor Vehicle Accidents. Similar to what is outlined in CPL 137, AKOSH does not have jurisdiction over motor vehicle accidents occurring on public roads or highways, unless the accident occurs in a construction work zone.

Reference: AS 18.60.058(a) Reporting fatalities and multiple hospitalizations to OSHA/AKOSH – Alaska state-specific standard since 29 CFR 1904.39 is not adopted in Alaska.
OSHA Instruction CPL 02-00-103 Field Inspection Reference Manual
OSHA Instruction IRT 01-00-007 IMIS Enforcement Data Processing Manual

Cancellations:

- The original instruction CPL 02-00-113 (CPL 2.113) was adopted under AKOSH PD 96.6 (February 1, 1996) and is hereby cancelled and replaced by CPL 02-00-137 and PD 05-11.
- March 12, 2003 Memo from R. Davis Layne regarding letters to victims' families related to fatalities.

Please ensure that all members of your staff receive a copy of CPL 02-00-137, and this program directive showing the Alaska state alternatives, and understand how to implement it.

Attachments: [CPL 02-00-137](#)

Distribution List w/o attachment

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