

CANCELLED

STATE OF ALASKA
DEPARTMENT OF LABOR
DIVISION OF LABOR STANDARDS AND SAFETY

AKOSH Program Directive 92-3

Date: May 18, 1992

To: All AKOSH Staff

From: Richard Arab, Deputy Director

Subject: AKOSH Support of NIOSH "FACE" Program

- A. Purpose. This AKOSH Program Directive (PD) provides guidelines for the cooperation of AKOSH with the Alaska Department of Health and Social Services (H&SS) in support of the National Institute of Occupational Safety and Health (NIOSH) program called FACE: "Fatal Accident Circumstances and Epidemiology."
- B. Benefits of the FACE Program. FACE is a NIOSH research study focusing on case identification and epidemiologic investigation of fatal occupational injuries as a result of Falls, Electrocutions, and Confined Spaces. These are the three main categories of fatalities that are of primary interest to FACE but other types of fatalities can also be investigated. In Alaska, the Section of Epidemiology of the Division of Public Health, H&SS has a cooperative agreement with NIOSH to conduct FACE investigations. H&SS will need the assistance of various state agencies including AKOSH to identify fatal accident cases. AKOSH has and will continue to cooperate with NIOSH and H&SS 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 HS&S and NIOSH FACE Investigators.
1. General. H&SS 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. FACE will not determine fault associated with the accident or evaluate the employer's compliance with AKOSH standards. As an independent research activity, FACE is not intended to be a substitute for current AKOSH fatality reporting or investigation practice. The Chief of Compliance 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 Deputy Director or Chief, Compliance will notify the Section of Epidemiology (H&SS) as soon as possible after being notified of an industrial fatality. All fatalities, even those that are not in AKOSH's jurisdiction, should be forwarded to H&SS at (907) 561-4406.

a. If the H&SS FACE investigator notifies AKOSH of a fatality, the Chief, Compliance 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 Compliance shall inform the employer of the existence of the H&SS FACE fatality accident research study, that their participation is voluntary and request cooperation with H&SS in conducting this study. Questions about the study 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 inspections shall 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 study will eventually be nationwide, the inspection authority issues may at times pose problems. The following guidelines shall be used:

(1). If the Chief of Compliance decides to schedule an inspection of the fatality, 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 right of entry becomes an issue for either one or both of the investigators, the CO or IH will follow the procedures outlined in the Compliance Manual. The FACE investigator, being an agent of H&SS, will pursue the statutory right of entry under his or her agency's statute, regulation and procedures.

b. If a concurrent investigation is held, the AKOSH compliance 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 compliance officer.

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

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 H&SS.