

Investigation Process

What triggers an investigation by the N.C. Department of Labor's Occupational Safety and Health Division?

- A worker's death.
- Hospitalization of an employee, an amputation or the loss of an eye.
- The department may also receive information of a fatality or catastrophe from media reports or referrals from other government agencies.

How is the NCDOL OSH Division notified?

- An employer must notify NCDOL within eight hours of any work-related fatality. In-patient hospitalizations of one or more employees, any work-related amputation, and any work-related loss of an eye must be reported within 24 hours.

What will the investigation focus on?

- The investigation will usually be limited to the events surrounding the accident unless observations at the site indicate a broader investigation is needed.

What will happen during the investigation?

- An OSH investigator will go to the accident site and collect physical evidence, including photographs.
- The investigator will interview employees, witnesses and management officials about the accident to determine its cause.
- Any violations of safety and health standards will be noted and citations will be issued.

How long will the investigation take?

- An investigation can take anywhere from a few weeks to six months, depending on the complexity of the accident.

When are investigation results disclosed?

- Citations and penalties, if issued, can be released to the public on the issuance date.
- Other contents of the file cannot be released until the case is closed or final order on citations is rendered.



N.C. Department of Labor

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Standards: *General Industry* – 1910.146: Permit-Required Confined Spaces
Construction Industry – Final Rule Stage with Final Action by 11/11
Maritime Industry – 1910.146: Permit-Required Confined Spaces

Industry Type: Construction, General Industry and Maritime

Accident Type: Asphyxiation, explosion, chemical poisoning, crushed by, electrocution

Statistical Data: In 2020, NCDOL conducted 65 work-related fatality inspections.

The Investigation

A confined space is one which has a limited opening for entry and exit, is not designed for continuous worker occupancy, and may not have enough air in the space to support life.

The N.C. Department of Labor has inspected workplace fatalities in a number of different types of confined spaces. These confined spaces have included water and sewer lines, a railroad tank car, digester, tanker truck, washing machine, grain silo, and a gravel bin.

With confined spaces, often the employee is not aware that the atmosphere in the confined space is dangerous. When one employee is overcome by the lack of oxygen in a confined space, often another employee may enter the confined space unprotected to help the first employee and also become a victim.

When investigating a confined space accident, investigators will seek to determine several factors, including whether:

- The employer had evaluated the workplace to determine if any spaces were permit-required confined spaces.
- The employees were made aware of the danger, if the workplace contained permit-required confined spaces.
- The employer implemented a written permit-required confined space program when it was determined that an employee would enter permit-required confined spaces.
- The atmosphere was tested before an employee entered the confined space.
- The employees were allowed to enter a permit-required confined space with a hazardous atmosphere.
- Contractors were informed that the workplace contained permit-required confined spaces.
- The required equipment was provided when maintaining a permit-required confined space.
- A procedure had been established for securing rescue and emergency service, rescuing entrants, and preventing unauthorized personnel from attempting a rescue.
- An entry permit was required when a permit-required confined space was entered.
- Training was provided for employees affected by the permit-required confined spaces standard.
- Permit-required confined spaces entrants communicated with the attendant who monitored the safety and entrance of employees into the permit-required confined space.
- The equipment required to safely enter, work in and exit a permit-required confined space was provided and maintained.

What programs does the Department of Labor have in place to confined space accidents?

Consultative services: Free consultative services is available to small employers.

Free training: Workshops, training and consultation in both English and Spanish.

Publications: Industry guide and other publications that discuss safety in confined spaces.