

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.



NCDOL
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Standards: *General Industry* – 1910.119: Process Safety Management of Highly Hazardous Chemicals (PSM) Standard

Industry Type: General Industry

Accident Type: Explosions, fires, release of hazardous substances

Statistical Data: NCDOL investigated 65-work-related fatalities in 2020.

The Investigation

The N.C. Department of Labor investigates accidents relating to the unexpected release of highly hazardous chemicals. Often, because of the number of employees affected by a chemical release or the impact on a community surrounding a release site, these investigations can become high profile events with significant media coverage.

The most famous chemical release, which prompted various regulatory responses, was the Bhopal, India, incident in 1984 that resulted in thousands of deaths. A chemical release can result in a response from numerous governmental agencies. The OSH investigator may initially begin the investigation within the frame work of an incident command system (ICS). The ICS is typically implemented at the local level by first responders.

If the magnitude of the release dictates, the NCDOL can activate its Program Quality Verification (PQV) Team to conduct an inspection. In the past, accident investigations have included a chlorine gas leak at a waste water treatment plant, explosion at a chemical manufacturer, fire at a hazardous waste storage facility, and ammonia leaks at food manufacturing facilities. When conducting an investigation in response to the release of toxic, reactive, flammable, or explosive chemicals, investigators will seek to determine several factors, including whether:

- The Process Safety Management of Highly Hazardous Chemicals Standard applies to the investigation based on the quantity of specific chemicals at the site.
- The employer had compiled process safety information to determine the hazards associated with highly hazardous chemicals.
- A process hazard analysis had been completed to address the hazards of the process and identification of any previous incidents that had the potential for catastrophic consequences.
- Written operating procedures had been developed for safely conducting established processes.
- Contractors had been evaluated based on their safety performance and been informed of the fire, explosion or toxic release hazards at the work site.
- Training had been provided for employees involved in operating a process.
- Contract employees had been trained to perform their jobs.
- Written procedures had been established and implemented to maintain the on-going integrity of process equipment.
- The employer had investigated each incident that resulted in or could have reasonably resulted in a catastrophic release of highly hazardous chemicals in the workplace.
- An emergency action plan had been established and implemented for the entire plant.
- A compliance audit had been conducted at least once every three years.

What programs does the Department of Labor have in place to prevent chemical release accidents?

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

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