



OSHA INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-00-134

EFFECTIVE DATE: January 26, 2004

SUBJECT: OSHA Support of NIOSH "FACE" Program

ABSTRACT

- Purpose:** To provide guidelines for the cooperation of OSHA with the States in support of a National Institute for Occupational Safety and Health (NIOSH) program called FACE: "Fatality Assessment and Control Evaluation".
- Scope:** OSHA wide
- References:** OSHA Instruction CPL 02-00-103 (CPL 2.103), Field Inspection Reference Manual (FIRM); OSHA Instruction CPL 02-00-113 (CPL 2.113) Fatality Inspection Procedures; OSHA Instruction CSP 01-00-002 (STP 2-0.22B), State Plan Policies and Procedures Manual
- Cancellations:** OSHA Instruction CPL 2.96, OSHA Support of NIOSH "FACE" Program
- State Plan Impact:** State adoption not required. See Paragraph V.
- Action Offices:** National, Regional and Area Offices.
- Originating Office:** Directorate of Enforcement Programs
- Contact:** Directorate of Enforcement Programs (202-693-2100)
Office of General Industry Enforcement
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By and Under the Authority of

John L. Henshaw
Assistant Secretary

Executive Summary

This instruction provides guidelines for the cooperation of OSHA with National Institute for Occupational Safety and Health (NIOSH) and the States in support of NIOSH's "Fatality Assessment and Control Evaluation" (FACE) program.

Significant Changes

This instruction cancels OSHA Instruction CPL 2.96, OSHA Support of NIOSH "FACE" Program, March 23, 1992, and reflects changes in the FACE program. The acronym FACE in the first instruction meant "Fatal Accident Circumstances and Epidemiology." It has changed to "Fatality Assessment and Control Evaluation."

- I. Purpose. To provide guidelines for the cooperation of OSHA with the States in support of a National Institute for Occupational Safety and Health (NIOSH) program called FACE: “Fatality Assessment and Control Evaluation”.
- II. Scope. This Instruction applies OSHA-wide.
- III. References.
 - A. OSHA Instruction CPL 02-00-103 (CPL 2.103), Field Inspection Reference Manual (FIRM) of September 26, 1994;
 - B. OSHA Instruction CPL 02-00-113 (CPL 2.113), Fatality Inspection Procedures of April 1, 1996;
 - C. OSHA Instruction CSP 01-00-002 (STP 2-0.22B), State Plan Policies and Procedures Manual of March 21, 2001.
- IV. Cancellations. OSHA Instruction CPL 2.96, OSHA Support of NIOSH “FACE” Program, March 23, 1992.
- V. Federal Program Change. This instruction describes a Federal program change for which State adoption is not required. States are encouraged to follow guidelines in section IX of this instruction or similar procedures for cooperating and coordinating activities with NIOSH and State FACE investigators, including the notification of fatalities.
- VI. Action Information.
 - A. Responsible Office. Directorate of Enforcement Programs (DEP).
 - B. Action Offices. National, Regional, and Area Offices.
 - C. Information Offices. National, Regional, Area Offices and State Plans.
- VI. Significant Changes.
 - A. The acronym FACE in the first instruction meant “Fatal Accident Circumstances and Epidemiology.” It has changed to “Fatality Assessment and Control Evaluation.”
 - B. Reflects changes in the FACE program and replaces the Benefits section with a Background section.
 - C. Provides contact information for the program.
- VIII. Background. The NIOSH FACE Program is designed to increase the understanding of

factors that contribute to occupational injury deaths in order to identify effective prevention strategies. The goal of FACE is to prevent fatal work injuries by studying the work environment, the worker, the task the worker was performing, the tools the worker was using, the energy exchange resulting in fatal injury, and the role of management in controlling how these factors interact. The FACE program does not seek to determine fault or place blame on companies or individual workers. Employer and employee names, or other identifiers **are not included** in reports.

In-depth evaluations are conducted of individual fatal events. FACE investigators evaluate information from multiple sources that may include: interviews of employers, workers, and other investigators; examination and measurement of the fatality site and related equipment; and review of records such as OSHA, police, medical examiner reports, and employer safety procedures and training records. Findings are summarized in narrative reports that include recommendations for preventing similar events in the future. Prevention recommendations are primarily targeted to employers, but frequently include recommendations for workers, manufacturers, researchers, and government agencies. These reports are provided back to the employer of the victim, as well as to other appropriate employers, organizations, and other government agencies in targeted dissemination efforts. All reports are available on the NIOSH FACE website at <http://www.cdc.gov/niosh/face/faceweb.html>. NIOSH also summarizes information from investigations and data analyses in publications such as *NIOSH Alerts*, *Hazard IDs and Workplace Solutions* that describe the injury, problem, and concrete preventative steps that can be taken by employers and others.

The FACE project currently has two components. The first is the NIOSH in-house program which began in 1982. Currently, six states (NC, OH, PA, SC, VA, TN) voluntarily notify NIOSH of traumatic occupational fatalities occurring in the targeted areas of youth under 18 years of age, highway/street construction work zones, and machinery. Areas targeted for investigation are subject to change on a periodic basis, or as a need arises. Hispanic workers were recently added as a target for the in-house FACE program to complement work and activities by the OSHA Hispanic Worker Task Force. In addition to these six states, FACE investigations are conducted all over the United States when NIOSH is notified of a child labor fatality by the Department of Labor, Wage and Hour Division, or if any state requests technical assistance.

The second component of the FACE project is State FACE, which is a program of cooperative agreements with state health or labor departments for conducting surveillance, investigation, and prevention activities at the state level, using the FACE model. NIOSH presently has state FACE programs operating in 15 states (AK, CA, IA, KY, MA, MI, MN, NE, NJ, NY, OK, OR, WA, WV, and WI). The objectives of state FACE programs are to: 1) conduct surveillance to identify and report all fatal occupational injuries within the state; 2) conduct field investigations to determine causes and risk factors associated with selected fatal occupational injuries; 3) develop recommendations for fatal injury intervention through practical engineering, administrative, and/or personal protection solutions; and 4) develop effective methods for dissemination of useful prevention strategies at the state level. NIOSH and state

cooperators frequently collaborate on the development of materials that identify hazards and prevention strategies.

State FACE programs have developed multiple-source notification systems for the rapid identification of all fatal occupational injuries within their states. The timely identification of deaths is essential to conducting on-site investigations. Comprehensive data are important for targeting investigation and prevention efforts. Currently, state targets for investigations include youth, highway/street construction work zones, machinery-related events, and one or more other causes that the particular State FACE program has identified as a particular problem. State FACE programs are currently considering adding Hispanic workers as a target to further complement work by the OSHA Hispanic Worker Task Force.

IX. Guidelines.

- A. General. NIOSH and State FACE investigators conduct independent accident investigations to gather information used in identifying factors which may increase the risk of work-related fatal injuries. FACE investigations are conducted on a voluntary basis and do not identify employers or victims. The purpose of these investigations is to gather analytical information, and to develop and broadly disseminate recommendations for preventing future similar deaths and injuries. FACE investigations are not used to determine fault associated with the accident or evaluate the employer's compliance with the OSHA standards. FACE reports frequently serve to publicize OSHA standards and recommend compliance, but include additional prevention recommendations, such as recommendations regarding training, work practices, and engineering controls. FACE is an independent activity and is not intended to substitute current fatality investigation or reporting requirements. Follow the procedures outlined in the Field Inspection Reference Manual (FIRM), CPL 02-00-113 (CPL 2.113), Fatality Inspection Procedures and other national, regional, and area office guidance when investigating fatalities.
- B. Notification. The Regional Administrator will be responsible for the coordination of all notification of fatalities reported to OSHA by the FACE program representative.
 1. Following regional policy, the OSHA Area Director shall notify the FACE investigator of any fatalities that have been reported to OSHA.
 2. If the NIOSH or State FACE investigator notifies the Area Director of a fatality, the Area Director shall determine whether the fatality has been reported to OSHA, and if the fatality compliance investigation falls within the jurisdiction of the Area Office. If the fatality has not been reported, the Area Director shall take the appropriate information and decide whether an inspection should be initiated.

3. The initial contact with the employer by the Area Office shall inform the employer of the existence of the NIOSH FACE fatal accident study, that their participation is voluntary, and request cooperation with NIOSH in conducting this study. If an OSHA compliance inspection is to be conducted, this notification can be provided at the opening conference. Questions about the study will be referred to the FACE investigator.

C. Jurisdiction. In an effort not to confuse or mislead the employer concerning jurisdictional authority, OSHA compliance inspections and FACE investigations shall generally be conducted independently. There may be special circumstances or conditions under which concurrent investigations will have to be performed. The following paragraphs shall serve as a guide:

1. In those states where Federal OSHA exercises jurisdiction, the following procedures listed shall be agreed upon by the NIOSH or State FACE investigator prior to conducting a joint inspection. It is recommended that the Regional Administrator advise the FACE Investigator of the following conditions at an initial meeting or by other means of communications.

SCHEDULING THE INSPECTION. If the OSHA Area Director decides to schedule an inspection of the fatality, the Area Director shall call the NIOSH or State FACE investigator before beginning the inspection.

However, the inspection will not be postponed if the NIOSH or State FACE investigator is not available to participate.

2. In State Plan States, Federal CSHOs would only interface with the NIOSH FACE investigator in those circumstances where the fatality occurred at a place of employment which falls under Federal OSHA jurisdiction. The facilities shall be encouraged to cooperate with the NIOSH study. In those rare circumstances where independent investigations are not practical, the conditions outlined in paragraph IX of this instruction will be followed. As in all cases, OSHA's jurisdictional authority shall be made clear.
3. The OSHA compliance officer will be in complete command of the inspection. The FACE investigator's only mission is to collect information relevant to the fatality. It should be made clear to the employer that the FACE personnel will not be performing any compliance inspection activity.
4. In those circumstances where Section 4(b)(1) of the OSH Act has been triggered, thereby preempting OSHA enforcement authority, the NIOSH FACE Investigator shall be referred to the preempting Federal agency.
5. The NIOSH FACE website maintains a contact list for both their in-house and state programs at <http://www.cdc.gov/niosh/face/facecont.html#NIOSH> . The program may also be reached at the following address and phone/fax

numbers:

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