



Department of Defense INSTRUCTION

NUMBER 6055.07

October 3, 2000

Incorporating Change 1, April 24, 2008

USD(AT&L)

SUBJECT: Accident Investigation, Reporting, and Record Keeping

- References:
- (a) DoD Instruction 6055.7, "Mishap Investigation, Reporting and Record Keeping," April 10, 1989 (hereby canceled)
 - (b) ~~DoD Directive 4715.1, "Environmental Security," February 24, 1996~~
DoD Directive 4715.1E, "Environment, Safety, and Occupational Health (ESOH)," March 19, 2005
 - (c) Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees," February 26, 1980
 - (d) Title 29, Code of Federal Regulations, Part 1960, "Basic Program Elements for Federal Employees Occupational Safety and Health Program," October 21, 1980
 - (e) through ~~(xx)~~, see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues and updates reference (a) to:

1.1.1. Inform the Secretary of Defense on the loss of assets through accidents.

1.1.2. Provide a factual basis for the allocation of resources in support of DoD accident prevention programs developed under DoD Directive 4715.1E (reference (b)).

1.1.3. Comply with the Occupational Safety and Health Administration's (OSHA) reporting requirements in accordance with E.O. 12196 and 29 CFR 1960 (references (c) and (d)).

Change 1, 04/24/2008

1.2. Provides format and instructions for preparing reports to fulfill the requirements generated by references (c), (d), and DoD 6055.09-STD (reference (e)).

1.3. Centralizes the collection, dissemination, and reporting of DoD fire loss data.

~~1.4. Designates the Secretary of the Navy as the DoD Executive Agent for the fire incident reporting system.~~

2. APPLICABILITY AND SCOPE

This Instruction applies:

2.1. To the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps. For the purposes of this Instruction, the Army-Air Force Exchange Service is considered a DoD Component.

2.2. The provisions of this Instruction may not be construed to limit the statutory authority of the Inspector General of the Department of Defense to have access to all records, reports, investigations, documents, or other material, including those called for by this Instruction, as provided for in the Inspector General Act of 1978 (as amended), DoD Directive 5106.01, and DoD Instruction 7050.3 (references (f) through (h)).

2.3. During peacetime and wartime operations.

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

It is DoD policy to establish and implement comprehensive programs to:

4.1. Investigate, report, and keep related records on accidental death, injury, occupational illness, and property damage for DoD accidents covered by this Instruction and/or specific statutory authority.

4.2. Prescribe and enforce regulations directly related to investigation, reporting, and keeping records on accidental death, injury, occupational illness, and property damage.

5. RESPONSIBILITIES

5.1. The Deputy Under Secretary of Defense for Environmental Security shall:

5.1.1. Represent the Secretary of Defense for both DoD and Department of Labor (DoL) accident reporting procedures.

5.1.2. Collect, aggregate, and analyze data from the DoD Components; update the “Measures of Merit” approved by the Environment, Safety, and Occupational Health Policy Board under DoD Directive 4715.1E (reference (b)); and distribute results to communicate the status of accident and illness prevention efforts.

5.2. The Heads of the DoD Components shall establish procedures, in accordance with enclosure 4 under the cognizance of a designated safety and occupational health official, and shall:

5.2.1. Collect, maintain, analyze, and report standardized property damage, injury, and occupational illness data in accordance with this Instruction. That process should include input from all available sources, including medical patient disposition and civilian employee compensation data.

5.2.2. Ensure that effective corrective action is taken on identified accident causal factors.

5.2.3. Ensure that historical safety data (lessons learned) are considered and used during the development and acquisition of new systems ~~as required by DoD 5000.2 R~~ *consistent with risk reduction requirements of DoD Instruction 5000.2* (reference (i)).

5.2.4. Furnish, upon request, to the Deputy Under Secretary of Defense for Environmental Security (DUSD(ES)) such safety investigation, reporting, records and related information as may be required to evaluate DoD Component programs and develop DoD special emphasis programs.

5.2.5. Designate a focal point responsible for forwarding serious accident (~~reference-see~~ paragraph E3.1.2. of enclosure 3) report information, as required in enclosure 3.

5.2.6. Mandate that the identification of hazards and causal factors and the prevention of accident recurrences are the primary objectives after an accident. The safety investigation is the primary investigation and shall initially control all witnesses and evidence. The safety investigators shall:

5.2.6.1. Ensure that factual information and documents that do not contain privileged safety information are made available to other investigators as soon as the safety investigators release them.

5.2.6.2. Suspend the investigation, preserve the evidence, and immediately notify the safety convening authority whenever evidence of criminal activity that is causal to the accident is discovered. *The safety convening authority shall notify the responsible Military Criminal Investigative Organization when he or she determines any evidence of criminal activity as reported by the safety investigator during the course of an accident investigation in accordance with DoD Instruction 5505.3 (Reference (j)).* The safety convening authority will determine, under the circumstances, whether the safety investigation will proceed. The DoD Components may delineate circumstances when the safety investigation is not required.

5.2.6.3. In the case of Friendly Fire incidents, comply with enclosure 4, section E4.7.

5.2.6.4. Investigate all fire losses to real property, wildland fires and personal property (excluding military aircraft flight-related operations and Navy ships underway) to determine point of origin and fire cause before initiating other safety or legal investigations. Point of origin and fire cause determination shall be provided for subsequent safety or legal investigations. For fire losses meeting the Class A accident threshold, an independent fire investigation and report shall be provided. Fire and emergency services response reporting will be in accordance with DoD Instruction 6055.06 (reference (j)).

5.2.7. Participate in the Bureau of Labor Statistics' Census of Fatal Occupational Injuries reporting program.

5.2.8. Furnish the Commander, U.S. Joint Forces Command (USJFCOM), with completed privileged friendly fire safety investigations. Privacy Act information may be excluded. (See DoD 5400.11-R (reference (l)).)

5.3. The Secretary of the Navy shall administer *and maintain* the National Fire Incident Reporting System for the ~~Defense Logistics Agency and the Military Services~~ DoD Components, *analyze including summarization and analysis of* fire and emergency services ~~incident~~ response data *in accordance with DoDI 6055.06 (reference (k)).*

5.4. The Inspector General of the Department of Defense shall:

5.4.1. When requesting safety investigation records or information, do so through the appropriate DoD Military Component.

5.4.2. Ensure that procedures that conform to the requirements of this Instruction are established to provide for the proper safeguarding of safety investigation records and information reviewed or received, including maintaining the restrictions on use and release as contained in paragraph E4.5.3.

5.5. The Commander, USJFCOM, shall serve as lead agent for friendly fire mishap analysis and gap resolution. Maintain a joint database of pertinent causal factors and coordinate Joint Capabilities Integration and Development System analysis and joint capability development to prevent or mitigate future friendly fire mishaps. Ensure USJFCOM handling of privileged safety information meets requirements of paragraphs E4.4. and E4.5. of this Instruction.

6. PROCEDURES

Accident reporting procedures are in enclosure 4.

7. INFORMATION REQUIREMENTS

Reporting and record keeping requirements are consistent with DoD 8910.1-M (reference (~~km~~)).

7.1. The reporting of explosive and/or chemical agent accidents, Report Control Symbol (RCS) DD-AT&L(AR)1020, has been assigned to paragraph E4.8.3.

7.2. The fire incident reporting requirements prescribed in section E4.10. are assigned RCS DD-AT&L(AR)1765.

8. RELEASABILITY. UNLIMITED. This Instruction is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

89. EFFECTIVE DATE

This Instruction is effective immediately. Detailed implementing instructions are only necessary to provide for any DoD Component-unique accident reporting situations.



Principal Under Secretary of Defense
Acquisition, Technology, and Logistics

Enclosures - 7

- E1. References, continued
- E2. Definitions
- E3. Special Reporting of Serious Accidents
- E4. Procedures
- E5. Special Instructions for Reporting Explosive and/or Chemical Agent Accidents (RCS DD-AT&~~TL~~(AR)1020)
- E6. Summary of Civilian Catastrophic or Fatal Accident
- E7. Table for Computing Costs of Injuries, Fatalities, and Occupational Illnesses of DoD Personnel

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD 6055.09-STD, "DoD Ammunition and Explosives Safety Standards," ~~July 1, 1999~~
February 29, 2008
- (f) Inspector General Act of 1978 (as amended)
- (g) DoD Directive 5106.01, "Inspector General of the Department of Defense," ~~March 14, 1983~~
April 13, 2006
- (h) DoD Instruction 7050.3, "Access to Records and Information by the Inspector General, Department of Defense," April 24, 2000
- (i) ~~DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs (MDAPs) and Major Automated Information System (MAIS) Acquisition Programs," March 15, 1996~~
DoD Instruction 5000.2, "Operation of the Defense Acquisition System," May 12, 2003-
- (j) ~~DoD Instruction 6055.6, "DoD Fire and Emergency Services Program," December 15, 1994~~
DoD Instruction 5505.3, "Initiation of Investigations by Military Criminal Investigative Organizations," June 21, 2002
- (k) ~~DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 30, 1998~~
DoD Instruction 6055.06, "DoD Fire and Emergency Services (F&ES) Program," December 21, 2006
- (l) ~~DoD Directive 7230.8, "Leases and Demonstration of DoD Equipment," February 16, 1995~~
DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (m) ~~Title 10, United States Code, Subtitle E-DoD 8910.1-M, "Department of Defense Procedures for Management of Information Requirements," June 30, 1998~~
- (n) ~~Title 32, United States Code, "National Guard"-DoD Directive 7230.8, "Leases and Demonstration of DoD Equipment," February 16, 1995~~
- (o) ~~DoD Directive 5400.7, "DoD Freedom of Information Act Program," September 29, 1997~~
Title 10, United States Code, Subtitle E
- (p) ~~DoD 5400.7-R, "DoD Freedom of Information Act Program," September 1998~~
Title 32, United States Code, "National Guard"
- (q) ~~DoD 5400.11-R, "Department of Defense Privacy Program," August 1983~~
DoD Directive 5400.07, "DoD Freedom of Information Act (FOIA) Program, January 2, 2008
- (r) ~~Section 2254 of title 10, United States Code, "Treatment of Reports of Aircraft Accident Investigations"~~
DoD 5400.7-R, "DoD Freedom of Information Act Program," September 4, 1998
- (s) ~~Section 2255 of title 10, United States Code, "Aircraft Accident Investigation Boards: Composition Requirements"~~
Section 2254 of title 10, United States Code, "Treatment of Reports of Aircraft Accident Investigations"
- (t) ~~Occupational Safety and Health Administration (OSHA) Publication 2014, "Recordkeeping and Reporting Guidelines for Federal Agencies," 1986~~
Section 2255 of title 10, United States Code, "Aircraft Accident Investigation Boards: Composition Requirements"
- (u) ~~Government Industry Data Exchange Program, (GIDEP) Data Base, "On-line Access User Guide," August 1, 1993~~
Occupational Safety and Health Administration (OSHA) Publication 2014, "Recordkeeping and Reporting Guidelines for Federal Agencies," 1986

- (v) ~~Title 5 Code of Federal Regulations, Chapter 293, Subpart E, "Employee Medical File System Records," revised January 1, 1999 Government-Industry Data Exchange Program; (GIDEP) Data Base, "On-line Access User Guide," August 1, 1993¹~~
- (w) ~~U.S. Office of Personnel Management Operating Manual, "The Guide to Personnel Recordkeeping," December 31, 1998 Title 5 Code of Federal Regulations, Chapter 293, Subpart E, "Employee Medical File System Records," revised January 1, 1999~~
- (x) ~~U.S. Office of Personnel Management Operating Manual, Update 9, "The Guide to Personnel Recordkeeping," July 30, 2004~~

¹ Available from the GIDEP ~~Program Manager, GIDEP Operations Center~~, P.O. Box 8000, Corona, CA ~~91717~~92878-8000, ~~<http://www.gidep.corona.navy.mil/>~~<http://www.gidep.org>

E2. ENCLOSURE 2

DEFINITIONS

E2.1. DEFINED TERMS

E2.1.1. Accident Categories. DoD accidents are divided into the following categories: aircraft, explosives and chemical agents, motor vehicles, ground and industrial, off-duty military, unmanned aerial vehicles, guided missiles, maritime, nuclear, and space.

E2.1.2. Accident Rate. The number of recordable accidents per units of exposure; e.g., Class A Flight accidents per 100,000 flying hours, lost time injuries per 100 man-years, etc.

E2.1.3. Accident Severity Classification. DoD accidents are classified according to the severity of resulting injury, occupational illness, or property damage. Property damage severity is generally expressed in terms of cost and is calculated as the sum of the costs associated with DoD property and non-DoD property that is damaged in a DoD accident. Additionally, if injury or occupational illness results, an event is reportable even if the associated costs are less than the minimum dollar criteria.

E2.1.3.1. Class A Accident. The resulting total cost of damages to Government and other property in an amount of \$1 million or more; a DoD aircraft is destroyed; or an injury and/or occupational illness results in a fatality or permanent total disability.

E2.1.3.2. Class B Accident. The resulting total cost of damage is \$200,000 or more, but less than \$1 million. An injury and/or occupational illness results in permanent partial disability (Table E7.T1. of enclosure 7); or when three or more personnel are hospitalized for inpatient care (which, for accident reporting purposes only, does not include just observation and/or diagnostic care) as a result of a single accident.

E2.1.3.3. Class C Accident. The resulting total cost of property damage is \$20,000 or more, but less than \$200,000; a nonfatal injury that causes any loss of time from work beyond the day or shift on which it occurred; or a nonfatal occupational illness or disability that causes loss of time from work or disability at any time (lost time case). Components may collect a minimal amount of data for off-duty military lost time injuries.

E2.1.4. Aircraft Accident

E2.1.4.1. Aircraft Flight Accident. An accident in which there is intent for flight and damage to the aircraft (not including Unmanned Aerial Vehicles (UAVs)). Explosives, chemical agent, or missile events that cause damage to an aircraft with intent for flight are categorized as Flight Accidents to avoid dual reporting. (Enclosure 5 applies to Flight Accidents involving Explosives and Chemical Agents.)

E2.1.4.2. Aircraft Flight-Related Accident (Non-Flight Rate Producing). An accident in which there is intent for flight and no reportable damage to the aircraft itself, but the accident involves fatality, reportable injury, or reportable property damage. A missile or UAV that is launched from an aircraft, departs without damaging the aircraft, and is subsequently involved in a DoD Accident is reportable as a Guided Missile Accident or UAV Accident, respectively.

E2.1.4.3. Aircraft Ground Operations Accident (Non-Flight Rate Producing). An accident in which there is no intent for flight and which results in damage to an aircraft, death or injury. This sub-category applies to aircraft both on land and onboard ship. Damage to an aircraft, when it is being handled as a commodity or cargo, is not reportable as an aircraft accident.

E2.1.5. Contractor Accident. Injury or occupational illness to contractor personnel, or damage to contractor property or equipment. These are not included herein as such accidents are reported through other reporting systems; e.g., private, State, Federal, except as specified in section E4.11., below.

E2.1.6. DoD Aircraft

E2.1.6.1. All manned weight-carrying devices supported in flight by buoyancy or dynamic action and are owned or leased by the DoD Components (including Reserve forces and National Guard) that are, as follows:

E2.1.6.1.1. Operated and exclusively controlled or directed by a DoD Component.

E2.1.6.1.2. Furnished by the Government, loaned, or on bailment to a non-DoD organization for modification, maintenance, repair, test, contract training, or experimental project for a DoD Component, when the Government has assumed ground and flight risk.

E2.1.6.1.3. Under Test by a DoD Component. (This includes aircraft furnished by a contractor or another Government Agency when operated by a DoD aircrew in official status and a DD Form 250, "Material Inspection and Receiving Report," has been executed to certify that the Department of Defense has accepted the aircraft.)

E2.1.6.2. Does not include aircraft that are as follows:

E2.1.6.2.1. Leased, on bailment, or loaned (except, as specified above) to contractors, commercial airlines, other Government Agencies, or foreign governments, when the lessee has assumed risk of loss. (See DoD Directive 7230.8 (reference ~~(h)~~)).

E2.1.6.2.2. Civil aircraft owned by civil operators and accomplishing contract air missions for the DoD Components.

E2.1.6.2.3. Factory-new production aircraft until successful completion of the post-production acceptance flight. Accidents that involve such aircraft are reported as contractor accidents.

E2.1.6.2.4. Flying club aircraft or privately owned aircraft hangared on DoD installations.

E2.1.7. DoD Accident. An unplanned event, or series of events, that results in damage to DoD property. Occupational illness to DoD military or civilian personnel, injury to DoD military personnel on- or off-duty; injury to on-duty DoD civilian personnel; damage to public or private property, or injury or illness to non-DoD personnel caused by DoD operations.

E2.1.8. DoD Fire Loss. All DoD fire losses will be reported through the National Fire Incident Reporting System (NFIRS) and may be reported under other reporting systems depending on the circumstances involved.

E2.1.9. DoD Personnel

E2.1.9.1. Civilian. DoD Civil Service System employees (including Reserve component military technicians (dual status), unless in a military duty status), and non-dual status technicians; non-appropriated fund employees (to avoid dual reporting. This excludes military personnel working part-time); Corps of Engineers Civil Works employees; Youth or Student Assistance Program employees; foreign nationals employed by the DoD Components; and Army-Air Force Exchange Service employees.

E2.1.9.2. Military. All U.S. military personnel on active duty or Reserve status under the provisions of 10 U.S.C. ((~~mo~~)). National Guard personnel under the provisions of 32 U.S.C. (reference (~~mp~~)); Service Academy cadets; Reserve Officer Training Corps cadets when engaged in directed training activities; foreign national military personnel assigned to the DoD Components.

E2.1.10. DoD Space Systems. Space and space support systems that are as follows:

E2.1.10.1. Owned in whole or in part or leased by a DoD Component.

E2.1.10.2. Operated and controlled or directed by a DoD Component.

E2.1.10.3. Furnished by the Department of Defense or leased to a non-DoD organization when the Department of Defense has retained the risk of loss.

E2.1.10.4. Systems that a DoD Component has development and/or procurement responsibility.

E2.1.10.5. Under test by a DoD Component.

E2.1.11. Duty Status Determination. The definitions in paragraphs E2.1.11.1. and E2.1.11.1.2., below, are for accident reporting purposes only and have no relation to compensability or line-of-duty determination:

E2.1.11.1. On-Duty. DoD personnel are on-duty when:

E2.1.11.1.1. Physically present at any location where they are to perform their officially assigned work. Officially assigned work includes organization-sponsored events an employee is permitted to attend, regardless of location. This includes those activities incident to normal work activities that occur on DoD installations, such as lunch, coffee, or rest breaks, and all activities aboard military vessels.

E2.1.11.1.2. Being transported by DoD or commercial conveyance to perform officially assigned work. (This includes travel in private motor vehicles (PMV) or commercial conveyances while performing official duty, but not routine travel to and from work.)

E2.1.11.1.3. On temporary duty or temporary additional duty. Personnel on assignment away from the regular place of employment are covered 24 hours a day for any injury that results from activities essential or incidental to the temporary assignment. However, when personnel deviate from the normal incidents of the trip and become involved in activities, personal or otherwise, that are not reasonably incidental to the duties of the temporary assignment contemplated by the employer, the person ceases to be considered on-duty for investigation and reporting purposes of occupational injuries or illnesses.

E2.1.11.2. Off-Duty. DoD personnel are off-duty when they are not on-duty, as defined in paragraph E2.1.10.1., above. Reserve and National Guard personnel performing inactive duty training (drill) will be considered off-duty:

E2.1.11.2.1. When traveling to or from the place at which such duty is performed; or

E2.1.11.2.2. While remaining overnight, immediately before the commencement of inactive-duty training; or

E2.1.11.2.3. While remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of the inactive-duty training is outside reasonable commuting distance of the member's residence.

E2.1.12. Explosives and Chemical Agents

E2.1.12.1. Explosives. All items of ammunition; propellants (solid and liquid); pyrotechnics; explosives; warheads; explosive devices; and chemical agent substances and associated components presenting real or potential hazards to life, property, or the environment. Excluded are wholly inert items and nuclear warheads and associated devices, except for considerations of storage and stowage compatibility; and for considerations of blast, fire, and non-nuclear fragment hazards associated with the explosives.

E2.1.12.2. Chemical Agent. A chemical compound intended for use in military operations to kill, seriously injure, or incapacitate persons through its chemical properties. Excluded are riot control agents, chemical herbicides, smoke, and flame-producing devices.

Pesticides, insecticides, and industrial chemicals, unless selected by the DoD Components for chemical warfare purposes, are also excluded.

E2.1.13. Explosives and Chemical Agent Accidents

E2.1.13.1. Explosive Accident. Accidents resulting in damage or injury from:

E2.1.13.1.1. An explosion or functioning of explosive materials or devices (except as a result of enemy action).

E2.1.13.1.2. Inadvertent actuation, jettisoning, and releasing or launching explosive devices.

E2.1.13.1.3. Impacts of ordnance off-range.

E2.1.13.2. Chemical Agent Accident. Any unintentional or uncontrolled release of a chemical agent when, as follows:

E2.1.13.2.1. Reportable damage occurs to property from contamination, or costs are incurred for decontamination.

E2.1.13.2.2. Individuals exhibit physiological symptoms of agent exposure.

E2.1.13.2.3. The agent quantity released to the atmosphere is such that a serious potential for exposure is created by exceeding the applicable maximum allowable concentration-time levels for exposure of unprotected workers or the general population or property.

E2.1.14. Fire Incident and Emergency Incident Response. An event or accident that requires professional assistance from a DoD or outside fire department. Types of events include all fires, aircraft emergencies both fire and impact related, hazardous material responses, emergency medical services, fire protection system actuation, mutual aid support, water and confined space rescues, vehicle extraction's standbys, and any other type of fire incidents or emergencies.

E2.1.15. First Aid

E2.1.15.1. For military members, any initial one-time treatment and any follow-up visit for observation of minor scratches, cuts, burns, and splinters, etc., that does not ordinarily require medical care. Such one-time treatment and follow-up visit for observation is considered first aid, even though provided by a physician or medical professional.

E2.1.15.2. For DoD civilians, any initial one-time treatment and any follow-up visit for observation of minor scratches, cuts, burns, and splinters, etc., that does not ordinarily require medical care. Such one-time treatment and follow-up visit(s) for observation is considered first aid, even though provided by a physician or medical professional, as long as no leave or continuation of pay (COP) is charged to the employee and no medical expense is incurred.

E2.1.16. Friendly Fire. A circumstance in which members of a U.S. or friendly military force are mistakenly or accidentally killed or injured in action by U.S. or friendly forces actively engaged with an enemy or who are directing fire at a hostile force or what is thought to be a hostile force.

E2.1.17. Government Motor Vehicle (GMV). A motor vehicle that is owned, leased, or rented by a DoD Component (not individuals); primarily designed for over-the-road operations; and whose general purpose is the transportation of cargo or personnel. Examples of GMVs are passenger cars, station wagons, vans, ambulances, buses, motorcycles, trucks, and tractor-trailers. Vehicles on receipt to, and operated by, non-DoD persons or agencies and activities such as the U.S. Postal Service or the American Red Cross are not GMVs.

E2.1.18. Government Vehicle Other (GVO). Vehicles designed primarily for off-the-highway operation such as construction tracked vehicles, forklift, road graders, agricultural-type wheeled tractors, and aircraft tugs. Includes military combat/tactical vehicles; e.g., tanks, self-propelled weapons, armored personnel carriers, amphibious vehicles ashore, and HMMWV.

E2.1.19. Motor Vehicle Accident. A DoD Accident involving the operation of a motorized land vehicle by DoD personnel. A DoD Accident involving the operation of a DoD-owned motorized land vehicle by non-DoD personnel while operationally controlled by a DoD Component. Motor Vehicle Accidents include collisions with other vehicles, objects, terrain features, animals or pedestrians; personal injury or property damage due to cargo shifting in a moving vehicle; personal injury occurring within, or falling or jumping from a moving vehicle; towing or pushing accidents. This category does not include ground and industrial accidents such as injuries occurring while loading or unloading, mounting or dismounting a non-moving vehicle; cargo damaged by weather; damage to a parked DoD vehicle, unless caused by an operating DoD vehicle. Damage to a DoD vehicle caused by objects thrown or propelled into it by weather or natural phenomena, or by fire when no collision occurred; or, damage to a DoD vehicle when it is being handled as a commodity or cargo and not operating under its own power.

E2.1.19.1. Government Motor Vehicle (GMV) Accident. A motor vehicle accident involving the operation of a GMV as defined in this Instruction.

E2.1.19.2. Government Vehicle Other (GVO) Accident. A vehicle accident involving the operation of a GVO as defined in this Instruction, but not involving a GMV.

E2.1.19.3. Private Motor Vehicle (PMV) Accident. A motor vehicle accident, regardless of the identity of the operator, that does not involve a GMV or GVO, but results in a fatality or lost time case injury (involving days away from work) to military personnel on- or off-duty or to on-duty civilian personnel, or reportable damage to DoD property.

E2.1.20. Ground and Industrial Accidents. DoD accidents that occur on land, involve DoD operations, and do not involve the following: DoD Aircraft (Property Damage), Missiles, Explosives, Chemical Agents, Motor Vehicles, Space Systems and Support Equipment, Nuclear Weapons or Reactors.

E2.1.21. Guided Missile. All missiles propelled through air or water that are unmanned, guided by internal or external systems, and self-propelled. This term includes individual major missile components such as stages, guidance and control sections, payloads other than nuclear reentry vehicles; system equipment required to place the missile in an operational status while at the launch or launch control facility or on the launching aircraft; and system equipment required to launch and control the missile. Examples are intercontinental ballistic missiles; surface-to-air, air-to-air, and air-to-surface guided missiles; and torpedoes. This term includes all missiles that are, as follows:

E2.1.21.1. Owned in whole or in part by a DoD Component.

E2.1.21.2. Operationally controlled by a DoD Component.

E2.1.21.3. On bailment or loan to a non-DoD Agency for modification, testing, or as an experimental project for a DoD Component.

E2.1.21.4. Under test by a DoD Component.

E2.1.22. Guided Missile Accident. An accident involving guided missiles or missile support equipment. Missiles that are damaged or destroyed after launch from an aircraft but there is no aircraft damage will be classified as a missile mishap. (Enclosure 5 applies for missile accidents involving the explosive components of a guided missile.)

E2.1.23. Illness and/or Disease. A non-traumatic physiological harm or loss of capacity produced by systemic; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc., or other continued and repeated exposures to conditions of the environment over a long period of time. For practical purposes, an occupational illness and/or disease is any reported condition that does not meet the definition of injury.

E2.1.24. Injury. A traumatic wound or other condition of the body caused by external force or deprivation (drowning, suffocation, exposure, cold injury, and dehydration), including stress or strain. The injury is identifiable as to time and place of occurrence and member or function of the body affected, and is caused by a specific event or incident or series of events or incidents in a single day or work shift.

E2.1.25. Intent for Flight. Intent for flight is considered to exist when aircraft or UAV brakes are released and/or takeoff power is applied for commencing an authorized flight. For catapult-assisted takeoffs, flight begins at first motion of the catapult after the pilot has indicated readiness for launch. Intent for flight continues until either the fixed-wing aircraft taxis clear of the runway or, for helicopters and/or vertical takeoff and landing aircraft, the aircraft has alighted and the aircraft weight is supported by the landing gear.

E2.1.26. Joint Service Accident. A single accident involving two or more Services in which one or more Service experiences reportable injuries or damages.

E2.1.27. Lost Time Case. A nonfatal traumatic injury that causes any loss of time from work beyond the day or shift it occurred, or a nonfatal non-traumatic illness and/or disease that causes disability at any time.

E2.1.28. Maritime Accident. Except as noted in paragraph E2.1.28.2., below, any DoD accident involving on board, or as the result of the operation of, a DoD vessel. This also includes DoD diving or swimmer operations.

E2.1.28.1. This term includes accidents occurring while loading and/or off-loading or receiving services at dockside, and accidents occurring up to the high water mark during amphibious or inshore warfare training operations. It applies also to all injuries to DoD personnel occurring on board, whether or not job-related.

E2.1.28.2. This term does not include accidents that are reportable under other major categories prescribed in this Instruction, such as flight, missile, explosive and/or chemical agent, nor to injuries to assigned personnel that occur away from the vessel, whether or not job-related. Accidents occurring on board that result from shipyard, repair facility, or private contractor operations are not maritime accidents.

E2.1.29. No Lost Time Case. A nonfatal injury or illness and/or disease that does not meet the definition of a lost time case (usually created by a compensation claim for medical expense) or first aid case.

E2.1.30. Non-DoD Personnel. Off-duty DoD civilian personnel, including military technicians (dual status) (unless in a military status under 10 U.S.C. (reference (mo)) or 32 U.S.C. (reference (np)) in the case of National Guard military technicians (dual status), not dual status technicians, persons employed by other Federal Agencies, and other civilians or foreign nationals not employed by the Department of Defense).

E2.1.31. Nuclear Accident. A DoD accident that involves destruction of, or serious damage to nuclear weapons, nuclear weapons systems, or nuclear weapons components, resulting in an actual or potential threat to national security or life and property.

E2.1.32. Observation and/or Diagnostic Procedure. Hospitalization or restriction from assigned work activities for observation or diagnosis is not a "lost time case," "no lost time case," or "first aid case" provided no treatment or medication is given for the suspected injury or occupational illness, and competent medical authority determines the individual could have returned to his or her normal job without impairment or disability. This classification applies also where an individual is temporarily restricted from regularly assigned duties to prevent exceeding time-weighted exposure limits.

E2.1.33. Off-Duty Military Accident. A DoD accident that results in a fatality or lost time case to off-duty DoD military personnel whether or not on a DoD installation, excluding Private Motor Vehicle (PMV) accidents.

E2.1.34. Property Damage. Damage to facilities, equipment, property, or materiel. If the incident meets accident reporting criteria, then the cost of environmental cleanup and restoration shall also be included in property damage costs.

E2.1.35. Space Accident. An accident involving space systems and/or unique space support equipment.

E2.1.36. Space Vehicle. A vehicle designed to orbit or travel beyond the earth's atmosphere. The term includes satellites, orbiters, payloads, and sounding rockets.

E2.1.37. Third-party involvement in Investigations. A third-party is defined as a person or persons, not a member of the mishap activity.

E2.1.38. Training-Related Death. A death:

E2.1.38.1. Associated with a non-combat military exercise or training activity that is designed to develop a military member's physical ability or to maintain or increase individual/collective combat and/or peacekeeping skills, and is

E2.1.38.2. Due to either an accident or the result of natural causes occurring during or within one hour after any training activity where the exercise or activity could be a contributing factor.

E2.1.39. Unmanned Aerial Vehicle (UAV) Accident. An accident involving a UAV as defined in this Instruction, but not involving a DoD aircraft.

E2.1.40. Unmanned Aerial Vehicle (UAV)

E2.1.40.1. All unmanned weight-carrying devices supported in flight by buoyancy or dynamic action and are owned or leased by the DoD Components, to include aerostat balloons that are, as follows:

E2.1.40.1.1. Operated and exclusively controlled or directed by a DoD Component.

E2.1.40.1.2. Furnished by the Government or on bailment to a non-DoD organization for modification, maintenance, repair, test, contract training, or experimental project for a DoD Component, when the Government has assumed ground and flight risk.

E2.1.40.1.3. Under test by a DoD Component. (This includes UAVs furnished by a contractor or another Government Agency when operated by a DoD crew in official status and a DD Form 250, "Material Inspection and Receiving Report," has been executed to certify that the Department of Defense has accepted the vehicle.)

E3. ENCLOSURE 3

SPECIAL REPORTING OF SERIOUS ACCIDENTS

E3.1.1. The requirements of this enclosure are not intended to modify reporting by the Chairman of the Joint Chiefs of Staff.

E3.1.2. The DoD Components shall establish procedures for reporting serious accidents to the Assistant Deputy Under Secretary of Defense (Force Protection) (ADUSD(FP)) within 48 hours of their occurrence. Reporting may be accomplished by telephone, fax, e-mail, or message copy. That requirement includes the following on-duty accidents:

E3.1.2.1. All Class A accidents.

E3.1.2.2. Those accidents that result in inpatient hospitalization of three or more personnel.

E3.1.3. The report shall include the following:

E3.1.3.1. Date and local time of accident.

E3.1.3.2. Location.

E3.1.3.3. Extent of injuries and property damage.

E3.1.3.4. Narrative report of the circumstances of the accident.

E3.1.3.5. Any action(s) taken by the DoD Component as a result of the accident.

E3.1.4. The ADUSD(FP), or designee, will forward to the Secretary of Labor accident reports that are responsive to the requirements of E.O. 12196 (reference (c)). Refer to enclosure 6 for format.

E3.1.5. The Secretary of Labor, Environmental Protection Administrator, Secretary of Transportation, Chairman, Nuclear Regulatory Commission, and other authorized agents in the Executive Department may require additional information about certain accidents. Requests for additional information will be handled by the ADUSD(FP), or designee, in accordance with this Instruction and DoD Directive 5400.07 and DoD 5400.11-R (references (~~eq~~) and (~~ql~~)). In the event of an on-duty accident resulting in a Civil Service fatality or involving the hospitalization of three or more people (at least one of which is a Civil Service employee), the ADUSD(FP) will notify the Office of Federal Agency Programs, OSHA. The Components shall establish additional procedures to:

E3.1.5.1. Notify the OSHA Area and/or Regional Office within eight hours of Component knowledge of the accident.

E3.1.5.2. Provide Summary Report to ADUSD(FP) within 120 days of the accident IAW format in enclosure 6.

E3.1.6. Accidents reported to the Department of Defense Explosive Safety Board (DDESB) under explosive or chemical agent accidents (enclosure 5) need not be reported separately to the ADUSD(FP).

E4. ENCLOSURE 4

PROCEDURES

E4.1. INTRODUCTION

There are several reasons for investigating accidents. Safety investigations are conducted solely for accident prevention. Legal investigations are conducted for all other purposes including claims, disciplinary, and administrative actions.

E4.2. GENERAL

The DoD Components shall:

E4.2.1. Adopt the accident categories, classification criteria, and reporting formats and procedures contained in this Instruction. This does not prevent the DoD Components from collecting, classifying, and maintaining additional data for their individual accident prevention needs.

E4.2.2. Establish procedures to use a disinterested third party to investigate Class A accidents whenever possible and produce investigation report(s) as prescribed in sections E4.5. and E4.6., below. The Components will issue policies and guidance for when investigation boards are to be used for safety and legal investigations.

E4.2.3. Develop qualification criteria for accident investigators based on the complexity or severity of the accidents involved.

E4.2.4. Establish procedures to screen every fatality and determine whether or not it was accidental. All DoD training-related deaths will be investigated to determine if changes are needed in the training.

E4.2.5. Develop policies and procedures that establish time lines for routinely updating the primary next of kin of accident fatalities regarding the status of safety and legal investigations.

E4.3. RELEASE OF DOCUMENTS THAT ARE JOINT IN NATURE

Documents, other than safety investigation reports, that are originated by the Service components of a Unified Combatant Command, while performing joint exercises or operations under the Combatant Commander's authority, are considered joint in nature. The Combatant Commander, or his or her designee, is responsible for establishing procedures to implement DoD Directive 5400.07 (reference (eq)) within his or her command. All correspondence concerning Freedom of Information Act (FOIA) requests for documents will be handled in accordance with procedures established by DoD 5400.7-R (reference (qr)) and any Component-implementing instructions.

The Initial Denial Authority designated for each Service component is the release authority for any record held by the Service component.

E4.4. SAFETY INVESTIGATIONS

The sole purpose of safety investigations is to prevent accidents. Pursuant to regulations of the DoD Component, safety investigators will collect and analyze information to determine the causes(s) of the accident and make recommendations for corrective action. The reports generated by safety investigators may contain privileged safety information as well as publicly releasable information. (Information deemed privileged, see paragraph E4.4.2., below.) The Department of Defense treats safety investigation reports confidentially to ensure that commanders and safety officials can obtain accurate accident information, thereby promoting safety and national defense. Safety investigations are exempt from the licensing requirements of paragraphs C4.4.3. and C4.4.7. of DoD 8910.1-M (reference (~~km~~)).

E4.4.1. All safety investigation reports include privileged information. To promote conjecture, speculation, and full and frank discussions by the safety investigators, safety investigation boards, endorsers and reviewers of the safety investigation, the DoD Components will not disclose privileged safety information, which is defined in paragraph E4.4.2., except as provided in paragraph E4.5.3.3.

E4.4.2. Privileged safety information includes statements, reports or testimony given to a safety investigator or board pursuant to a promise of confidentiality, and any direct references to any such statements or testimony elsewhere in a report. The findings, evaluations, analyses, opinions, conclusions, recommendations and other indicia of the deliberative processes of a safety investigator, safety investigation boards, endorsers and reviewers are also privileged safety information.

E4.4.2.1. To advance the purpose of accident prevention, investigation procedures should encourage widest disclosure of all relevant information. Nevertheless, in certain investigations, safety investigators can give a promise of confidentiality to encourage frank and open communications to any individual who provides evidence for the investigation.

E4.4.2.1.1. These promises must be explicit and cannot be implied from the investigator's status or function. The DoD Components will document all instances in which a witness gives a statement pursuant to a promise of confidentiality. These promises may be given only as needed to ensure forthright cooperation of the witness concerned and may not be given on a blanket basis to all witnesses.

E4.4.2.1.2. In each instance, the promise of confidentiality will be strictly limited to only the information provided directly by the witness for the safety investigation.

E4.4.2.1.3. The witness will be told that the promise only applies to information provided by the witness for the safety investigation, even if the same information is provided to other investigations.

E4.4.2.2. Safety investigators may grant promises of confidentiality in investigations of all flight or flight-related accidents *and friendly fire mishaps*. For accidents involving complex systems, military-unique items (such as ships and shipboard systems, guided missiles, laser devices, or armored vehicles), military-unique operations or exercises, the Secretaries of the Military Departments are to determine for each category of investigation whether investigators may grant confidentiality. For all other accidents, promises of confidentiality are not authorized. The categories for which grants of confidentiality are authorized, as determined by each Secretary, must be stated in the Department's implementing documents.

E4.5. SAFETY INVESTIGATION REPORTS

E4.5.1. Format of Reports. To facilitate the separation of releasable information from privileged safety information, the DoD Components will structure these reports so that releasable, non-privileged material is easily identifiable and separately retrievable.

E4.5.2. Review. The DoD Components shall review safety investigation reports, establish a system to identify problem areas, and ensure that corrective actions from safety investigations are validated, approved, and monitored by competent authority until corrective action is complete.

E4.5.3. Restrictions on Use and Release. Privileged safety information shall be used for safety purposes only. Requests for safety reports are governed by DoD Directive 5400.07 (reference (⊖q)) and this Instruction. Requests for safety reports pursuant to litigation, discovery requests, subpoenas, or court orders are governed by applicable case law and this Instruction.

E4.5.3.1. General Statement of Policy. The DoD Components shall not release privileged safety information, except as provided in subparagraphs E4.5.3.3., nor shall the DoD Components use or condone the use of privileged safety information for any purpose other than accident prevention.

E4.5.3.1.1. Adverse Action. Privileged safety information will not be used to support disciplinary or adverse administrative action, to determine the misconduct or line-of-duty status of any personnel, or as evidence before any evaluation board.

E4.5.3.1.2. Litigation of Claims Involving U.S. Government. Privileged safety information will not be used to determine liability in administrative claims for or against the Government or in any litigation on behalf of the Government.

E4.5.3.1.3. Release of Non-Privileged Information. Non-privileged safety information may be released as required by law or pursuant to court order or upon specific authorization of the DoD Component's designated disclosure authority.

E4.5.3.1.4. Release of Historical Safety Reports. Service Safety Chiefs should release the safety investigation report findings contained in historical safety reports that were

prepared according to this Instruction (or its predecessors), provided no national defense or safety interest exists as determined by the respective Service Safety Chief. For the purpose of this provision, historical safety reports shall be defined as those concerning accidents more than 25 years old.

E4.5.3.2. Prohibition of Release of Privileged Safety Information in Response to FOIA Requests, Litigation Discovery Requests, Subpoenas and Court Orders. The DoD Components shall not release privileged safety information in response to Freedom of Information Act requests under DoD 5400.7-R (reference (~~p-r~~)), or in response to discovery requests, subpoenas or court orders, except as provided in subparagraph E4.5.3.3., below.

E4.5.3.3. Protection of Privileged Safety Information in Litigation. This section addresses the protection of privileged safety information when parties in litigation attempt to compel its release.

E4.5.3.3.1. For all investigations where safety investigators are not authorized to grant promises of confidentiality, the Secretary of the Military Department, or his or her designee, may assert the privilege to oppose any court-ordered release of privileged safety information. Upon determination by the Service Secretary or designee, that no safety or national defense interest is jeopardized, he or she may authorize the release of safety investigation board findings.

E4.5.3.3.2. For all investigations where safety investigators are authorized to grant promises of confidentiality, including investigations of flight and flight-related accidents, *friendly fire mishaps*, and those stated in the Department's implementation regulations, the Secretary of the Military Department, or his or her designee, shall assert the privilege to oppose any court-ordered release of privileged safety information. If a Secretary of a Military Department determines that exceptional circumstances warrant release of privileged safety information, the Secretary may request the DUSD(ES) to permit the selective release of such information. The request must include certification by the Secretary of the Military Department that the purposes to be served are compelling and solely related to safety and the interests of safety are better served by release. When the DUSD(ES), or designee, after consultation with the individual Secretaries of the Military Departments, determines that the interests of safety are better served, the DUSD(ES) may permit the selective use of privileged safety information in exceptional circumstances.

E4.5.3.3.3. If a court orders the release of privileged safety information, the Secretary of the Military Department concerned will consult with the other Military Departments and the DoD General Counsel to determine whether or not to seek further review.

E4.6. LEGAL INVESTIGATIONS AND REPORTS

Legal Investigation Reports are used to inquire into all the facts and circumstances surrounding accidents as well as to obtain and preserve all available evidence for use in litigation, claims, disciplinary action, or adverse administrative actions. Legal Investigation Reports include the

reports identified as Accident Investigation Reports in 10 U.S.C. 2254 (reference (~~fs~~)) and 10 U.S.C. 2255 (reference (~~sf~~)).

E4.6.1. Relationship to Safety Investigations. The legal investigation is conducted independently from the safety investigation. Non-privileged safety information acquired by a safety investigator may be made available to the legal investigation.

E4.6.2. Assignment of Personnel. Personnel assigned to conduct safety investigations will not conduct legal investigations of the same accident. Personnel currently assigned to full-time safety positions will not be appointed as a member of a legal investigation board.

E4.6.3. Required Legal Investigation Reports. DoD Components shall prepare a report, in addition to any authorized Safety Investigation report, whenever a DoD accident involves one or more of the following:

E4.6.3.1. All on-duty Class A accidents.

E4.6.3.2. Anticipated litigation for or against the Government or a Government contractor.

E4.6.3.3. Anticipated disciplinary or adverse administrative action against any individual.

E4.6.3.4. Probable high public interest.

E4.6.3.5. All suspected cases of Friendly Fire.

E4.6.4. Special Rules for Aircraft Legal Investigations. Aircraft legal investigations are controlled by 10 U.S.C. 2254 and 10 U.S.C. 2255 (references (~~fs~~) and (~~sf~~)). With regard to board composition:

E4.6.4.1. Required Membership Of Boards. Whenever the Secretary of a Military Department convenes an aircraft accident investigation board to conduct an accident investigation (as described in reference (~~fs~~), 10 U.S.C. 2254(a)(2)) with respect to a Class A accident involving an aircraft under the jurisdiction of the Secretary. The Secretary shall select the membership of the board so that:

E4.6.4.1.1. A majority of the members (or in the case of a single member, the member) are selected from units other than the mishap unit (i.e., the unit at the squadron or battalion level or equivalent to which was assigned the flight crew of the aircraft that sustained the accident that is the subject of the investigation) or a unit subordinate to the mishap unit.

E4.6.4.1.2. In the case of a board consisting of more than one member, at least one member of the board is a member of the Armed Forces or an officer or an employee of the Department of Defense who possesses specialized knowledge and expertise relating to aircraft accident investigations.

E4.6.4.2. Exception. In the case of an aircraft accident, the Secretary of the Military Department concerned may waive the requirement of paragraph E4.6.4.1.1., above, if the Secretary determines that:

E4.6.4.2.1. It is not practicable to meet the requirement because of:

E4.6.4.2.1.1. The remote location of the aircraft accident;

E4.6.4.2.1.2. An urgent need to promptly begin the investigation; or

E4.6.4.2.1.3. A lack of available persons outside of the mishap unit who have adequate knowledge and expertise regarding the type of aircraft involved in the accident; and

E4.6.4.2.2. The objectivity and independence of the aircraft accident investigation board will not be compromised.

E4.6.4.2.3. The Secretary will notify Congress of a waiver exercised under this subsection and the reasons therefore.

E4.6.4.3. Consultation Requirement. In the case of an aircraft accident investigation board consisting of a single member, the member shall consult with a member of the Armed Forces or an officer or an employee of the Department of Defense who possesses specialized knowledge and expertise relating to aircraft accident investigations.

E4.6.4.4. Designation Of Class A Accidents. Not later than 60 days after an aircraft accident involving an aircraft under the jurisdiction of the Secretary of a Military Department, the Secretary shall determine whether the aircraft accident should be designated as a Class A accident for purposes of this section.

E4.6.5. Review. The DoD Components shall provide for the review of legal investigation reports to identify safety corrective actions and ensure they are monitored until action is complete.

E4.6.6. Policy on Release of Legal Investigation Report. Requests for legal investigation reports pursuant to the FOIA are governed by DoD 5400.7-R (reference (~~pr~~)). Other requests for release, including requests for use in litigation, are governed by 10 U.S.C. 2254 (reference (~~fs~~)), applicable case law, and DoD Component regulations on legal investigation reports and release of information for use in litigation.

E4.7. INVESTIGATING FRIENDLY FIRE-ACCIDENTS MISHAPS

~~For all incidents falling within the definition of Friendly Fire, the Combatant Commander will convene a legal investigation to determine the facts of the incident and guide further actions. In~~

~~consultation with the Combatant Commander, Service or other commanders may convene a safety investigation as required.~~

E4.7.1. Safety Investigation. Unless otherwise agreed, the Service whose forces suffer the preponderance of loss or injury will conduct a safety investigation at the discretion of the Combatant Commander and, after consultation and coordination with the Combatant Commander, through the Combatant Commander's Service Component. The safety investigation will be conducted in accordance with Service rules and any applicable inter-Service arrangements or agreements. For mishaps involving other friendly nations, the involved Service Safety Chief shall consult with the DUSD (Installations and Environment) and the Combatant Commander to determine what role the other involved nations will play in the investigation. In those circumstances where the only forces lost or injured are those of other friendly nations, the Service conducting the safety investigation will be determined at the discretion of the Combatant Commander.

E4.7.1.1. The completed safety investigation will be submitted to the Combatant Commander or his or her designee (Combatant Commander's Service Component) for endorsement prior to being forwarded to the Service Safety Center.

E4.7.1.2. If it is determined that an urgent feedback message to the warfighter, other Services, agencies, or Combatant Commanders is required, the organization conducting the Friendly Fire Investigation will submit the message for endorsement by the cognizant Combatant Commander.

E4.7.1.3. U.S. or friendly military property mistakenly or accidentally damaged as a result of a U.S. or friendly military force engaged with an enemy, or who are directing fire at a hostile force or what is thought to be a hostile force, will be reported in accordance with these procedures.

E4.7.2. Legal Investigation. For all incidents falling within the definition of friendly fire, the Combatant Commander or his or her designee shall convene a legal investigation to determine the facts of the incident and guide further actions. The Combatant Commander, in consultation with the involved Service Component Commander, shall determine which Service regulation governing legal investigations will be followed.

E4.7.3. Criminal Activity. If either the safety or legal investigative authority determines any evidence of criminal activity during the course of the investigation, that authority shall notify the appropriate Military Criminal Investigative Organization (reference (j)).

E4.8. OTHER REPORTS

E4.8.1. Log of Occupational Injuries and Illnesses. A log (automated or manual) will be maintained for civilian personnel at each DoD installation or distinctly separate DoD activity using the format and instructions in the OSHA Publication 2014 (reference (tu)) and current

OSHA guidance. Separate accounting for on- and off-duty accidents will be maintained for military personnel. On-duty injuries and occupational illnesses will be entered on the log within 6 workdays of notification of such occurrences. Log retention and access are outlined in GIDEP Data Base (reference (H)). The summary portion of the log will be posted for a minimum of 30 days in a conspicuous place (including a local activity Internet site if such a site is easily accessible by employees) not later than 45 days after the conclusion of the fiscal year. A similar log will be maintained for military personnel, with on-duty and off-duty accidents recorded separately.

E4.8.2. Special Reporting of Serious Accidents. The requirements and instructions for those reports of serious accidents are in enclosure 3.

E4.8.3. Special Reporting of Explosive and Chemical Agent Accidents to the DDESB. Send safety investigation reports of Class A and B accidents involving explosives and/or chemical agents to the Chair, DDESB, as detailed in enclosure 5.

E4.8.4. Joint Accidents. Requests for documents that are joint in nature will be handled in accordance with section E4.3. of this enclosure, above.

E4.8.5. Destroyed Aircraft. The Military Departments will provide ADUSD(FP) a monthly report of the numbers of destroyed aircraft.

E4.8.6. For Civilian Employee Accidents, also refer to reporting requirements in 29 CFR 1960 (reference (d)), OSHA Publication 2014 (reference (tu)), 5 CFR Chapter ~~239~~293, Subpart E (reference (vw)), and OPM Guide to Personnel Recordkeeping (reference (wx)).

E4.9. NON-REPORTABLE ACCIDENTS/EVENTS

The following accidents/events need not be reported or investigated under this Instruction; however, for DoD civilians, paragraphs E4.9.1. and E4.9.2., below, are considered to have occurred in the performance of duty under provisions of FECA and are considered reportable to the Department of Labor (DoL):

E4.9.1. Accidents involving nuclear weapons, reactors, or radioactive materials involved in those systems.

E4.9.2. Damage or injury by direct action of an enemy or hostile force. This does not include suspected cases of Friendly Fire.

E4.9.3. Intentional, controlled jettison or release, during flight, of canopies, cargo, doors, drag chutes, hatches, life rafts, auxiliary fuel tanks, missiles, drones, rockets, non-nuclear munitions, and externally carried equipment not essential to flight. When there is no injury, no reportable damage to the aircraft or other property, and, in the case of missiles, drones or non-nuclear munitions, when the reason for jettison is not malfunction.

E4.9.4. Replacement of component parts due to normal wear and tear, and when any associated damage is confined to the component part. This exemption only applies to items that are normally used until they fail or until predetermined wear limits are reached. Replacement need may not be evident until malfunction or failure of the part.

E4.9.5. Injuries associated with non-occupational diseases, when the disease, not the injury, is the proximate cause of the lost time, such as diabetes and its resultant complications like loss of vision. Complications of the injury (such as the infection of a cut aggravated by a work-related activity) that result in lost time are reportable.

E4.9.6. Attempted or consummated suicide, homicide, or intentionally self-inflicted injuries; e.g., Russian roulette.

E4.9.7. Injuries resulting from altercations, attack, or assault, unless incurred in the performance of official duties.

E4.9.8. Injuries sustained before entry into Military Service or employment by the United States Government, unless specifically aggravated by current tenure of service.

E4.9.9. Hospitalization for treatment where the patient is retained beyond the day of admission solely for administrative reasons. (See enclosure 2, definition E2.1.32.)

E4.9.10. Hospitalization for observation or administrative reasons not related to the immediate injury or occupational illness. (See enclosure 2, definition E2.32.)

E4.9.11. Injuries that result from the following:

E4.9.11.1. Pre-existing musculoskeletal disorders unless aggravated or accelerated by Federal employment.

E4.9.11.2. Minimum stress and strain (simple, natural, and nonviolent body positions or actions, as in dressing, sleeping, coughing, or sneezing.) Those are injuries unrelated to accident-producing agents or environments normally associated with active participation in daily work or recreation.

E4.9.12. Injuries or fatalities to persons in the act of escaping from or eluding military or civilian custody or arrest.

E4.9.13. Death due to natural causes that are unrelated to the work environment. See paragraph E4.2.4. of this enclosure, above, and definition E2.1.38. of enclosure 2 for training-related deaths.

E4.9.14. Intentional or expected damage to DoD equipment or property incurred during authorized testing or combat training, including missile and ordnance firing.

E4.9.15. Foreign object damage to aircraft, air-breathing missiles, or drone/UAV engines discovered during scheduled engine disassembly.

E4.9.16. Property damage, death, or injury as a result of vandalism, riots, civil disorders, sabotage, terrorist activities, or criminal acts, such as arson.

E4.9.17. Adverse bodily reactions resulting directly from the use of drugs under the direction of competent medical authority.

E4.9.18. Death or injury resulting solely from illegal use of drugs or other substances.

E4.9.19. Normal residual damage as a result of a missile launch.

E4.9.20. ~~Contractor Accidents.~~ Contractor Accidents, as defined in E2.1.5., are not reportable under this Instruction.

E4.10. FIRE AND EMERGENCY SERVICE INVESTIGATIONS AND REPORTING

DoD Fire Departments shall use the National Fire Incident Reporting System to report all fire and emergency incident responses. All fire losses shall be investigated to determine point of origin and fire cause. For losses meeting the Class A Accident threshold, an independent fire investigation shall be performed and a formal fire investigation report provided.

E4.11. CONTRACTOR ACCIDENTS INVOLVING DoD PROPERTY AND PERSONNEL

Each Head of a DoD Component, or designee, shall:

E4.11.1. Develop procedures to ensure that accidents that occur as a result of a Government contractor's operations in which there is reportable damage or personnel injuries are investigated and reported. That includes non-delivered equipment for which the Government has assumed responsibility.

E4.11.2. Direct the contracting DoD Component to conduct the investigation and prepare a report for accidents, exclusive of explosives.

E4.11.3. Direct the contracting DoD Component of Government-Owned Contractor-Operated (GOCO) facilities to conduct the investigation and prepare a report for accidents involving explosive or chemical agents, unless otherwise directed by the DUSD(ES). The mishap reporting requirements in enclosure 5 also apply for this situation. Assistance may be requested from the DoD Explosive Safety Board (DDESB), the Defense Contract Management Command, and the contractor.

E4.12. COST DATA

E4.12.1. The standardized cost data in enclosure 7 will be used to compute the cost of injuries and occupational illness of DoD personnel reported in this Instruction. In those cases when the actual time lost is not known at the time a report is submitted, the best official estimate of lost time will be used in computing the cost of the injury or occupational illness.

E4.12.2. Calculate the direct cost of an accident by adding all costs of damaged or destroyed assets, including resultant costs such as environmental decontamination, property clean-up, and restoration. The direct cost of damage to DoD or non-DoD property will be computed using the actual cost of repair or replacement (including work hours for repair), or the best official estimate available.

E4.12.3. The cost of a destroyed aircraft shall include the original fly-away cost plus the cost of all modifications in then-year dollars. An aircraft that is damaged but will not be repaired is not automatically a destroyed aircraft. The decision whether or not to return an aircraft to service must be independent of any effect on accident classification. If a damaged aircraft is repaired, the direct cost is the actual cost of repairs. If it is not repaired, use the best available estimate for repair cost, or destroyed cost, whichever is lower.

E4.12.4. When an aircraft or UAV engine (or engine module, in the case of modular engines) is damaged to the extent that it must be returned to a repair facility, the cost of damage shall be reported as the actual cost for repairs, if such figures are available. If the repair facility uses established standard repair costs and can not determine actual costs, use the established figures. For engines or engine modules damaged beyond economical repair, use replacement cost.

E4.12.5. The cost of intentionally jettisoned items, as listed in paragraph E4.9.3. of this enclosure, above, shall not be included in the cost of the accident.

E4.12.6. When components are damaged to the extent they must be returned to a repair facility, the cost of damage shall be reported as the actual cost for repairs, if such figures are available. If the repair facility uses established standard repair costs and can not determine actual costs, use the established figures. If neither of these figures is available, the reported cost for repair shall be computed at 15 percent of the initial unit cost. For components damaged beyond economical repair, use replacement cost.

E4.12.7. For Joint Service accidents, the involved DoD Components will determine/allocate costs and losses according to asset ownership and personnel assignment. Each DoD Component will report their own losses attributable to a Joint Service accident.

E4.13. DUPLICATIVE INVESTIGATION AND REPORTING

To avoid duplicative investigations and reports of DoD Joint Service accidents, DoD Components Safety Chiefs will determine a lead DoD Component to conduct the investigation and prepare the report. This will normally be the DoD Component accruing the greater loss. Other involved DoD Components are entitled to representation and will provide representatives as required to address all accident factors. The Joint Service accident report will appropriately reflect DoD Components' losses and associated cost accountable to each DoD Component. Additionally, to avoid duplicative reporting of DoD Component personnel, Uniformed Service members assigned to non-Military Service DoD Components are accounted to that DoD Component not their Branch of Service.

E4.14. ACCESS TO RECORDS

The Heads of the DoD Components, or designees, shall:

E4.14.1. Develop procedures to release or withhold information in safety and legal investigation reports, including procedures to allow appropriate access by DoD personnel and their representatives, in accordance with this Instruction, DoD Directive 5400.07 and DoD 5400.11-R (references (e) and (f)). Requests for documents that are joint in nature will be handled in accordance with section E4.3. of this enclosure, above.

E4.14.2. Ensure that civilian records and reports required by 29 CFR 1960 (reference (d)) are retained for at least 5 years following the end of the fiscal year to which they relate.

E4.15. CROSS-FEED OF ACCIDENT DATA

E4.15.1. The Secretaries of the Military Departments, or designees:

E4.15.1.1. Shall provide for the cross-feed of accident data that involves like equipment or similar operations among the DoD Components and U.S. Coast Guard. That cross-feed shall include applicable information about equipment safety modifications and human error.

E4.15.1.2. Shall establish procedures to review safety modifications directed by the Federal Aviation Administration (FAA) for possible application to similar DoD aircraft.

E4.15.1.3. May establish procedures to provide Federal Agencies and foreign military safety agencies with non-privileged safety information or sanitized accident cross-feed data for the promotion of safety when deemed warranted by Secretaries of the Military Departments concerned with the accident.

E4.15.2. The Heads of the DoD Components, or designees, shall:

E4.15.2.1. Where there are significant industrial operations, participate in the Failure Experience Data Bank of the Government-Industry Data Exchange Program (GIDEP) described in the GIDEP Data Base On-line Access User Guide (reference (g)). Each SAFE-ALERT

issued by GIDEP as a result of part, component, process, or material failure shall be reviewed and action taken to disseminate the information therein.

E4.15.1.2. Establish procedures to ensure the timely distribution of the lessons learned from significant accidents to all affected organizations in the Department of Defense.

E5. ENCLOSURE 5

SPECIAL INSTRUCTIONS FOR REPORTING
EXPLOSIVE AND/OR CHEMICAL AGENT ACCIDENTS
RCS: DD-AT&L(AR)1020

E5.1.1. The DDESB exercises statutory authority to prescribe explosive safety standards for explosives and chemical agents under DoD jurisdiction. To accomplish its mission, the DDESB requires the reporting of information from explosives and chemical agent accidents in all operations under DoD jurisdiction.

E5.1.2. Report serious explosive and chemical agent accidents to the Chair, DDESB, in accordance with detailed procedures in Chapter 13, DoD 6055.09-STD (reference (e)).

E5.1.2.1. Serious explosive or chemical agent accidents include:

E5.1.2.1.1. DoD military, civilian, or contractor fatality.

E5.1.2.1.2. \$200,000 or more property damage.

E5.1.2.1.3. Production loss of 72 hours or more.

E5.1.2.1.4. Loss of major weapons system; e.g., tank, aircraft, ship, or large missile.

E5.1.2.1.5. Probable public interest such as network media coverage.

E5.1.2.2. Message and/or telephonic reports shall be conveyed to the Chair, DDESB, as soon as practical.

E5.1.2.3. Information content of message and/or telephonic reports should be, in accordance with Chapter 13 of reference (e).

E5.1.2.4. Investigation reports about reportable accidents shall be sent to the DDESB as soon as they are released by the DoD Component having releasing authority.

E5.1.3. Information about accidents that are less serious shall be reported to the DDESB if, in the opinion of the investigating team or the Chair, DDESB, the information will contribute to the development or verification of safety procedures or standards.

E5.1.4. Each DoD Component shall designate a central office, responsible to the DDESB, for those reporting requirements.

E6. ENCLOSURE 6

SUMMARY OF CIVILIAN CATASTROPHIC OR FATAL ACCIDENT

E6.1.1. DATE and TIME OF ACCIDENT

E6.1.2. DoD COMPONENT and/or UNIT IDENTITY

E6.1.3. LOCATION

E6.1.4. PERSONNEL INVOLVED (Category (employee, public, etc.) and consequences)

E6.1.5. DESCRIPTION OF OPERATION

E6.1.6. DESCRIPTION OF ACCIDENT

E6.1.7. CAUSAL FACTORS

E6.1.8. STANDARDS INVOLVED (limit to factual information and validated findings)

E6.1.8.1. APPLICABLE (only OSHA or approved alternate Agency standards shall be cited; e.g., 1910.26)

E6.1.8.2. VIOLATIONS

E6.1.8.3. RECOMMENDATIONS (IF ANY) FOR STANDARDS IMPROVEMENT

E6.1.9. CORRECTIVE ACTIONS RECOMMENDED BY INVESTIGATOR(S)

E7. ENCLOSURE 7

TABLE FOR COMPUTING COSTS OF INJURIES, FATALITIES,
AND OCCUPATIONAL ILLNESSES OF DoD PERSONNEL

E7.1.1. Table E7.T1. will be used to provide standardized average figures for use in computing injury and/or occupational illness costs for DoD reporting purposes. Those estimates were derived by considering the following costs:

E7.1.1.1. Pay while away from work.

E7.1.1.2. Medical treatment.

E7.1.1.3. Hospitalization.

E7.1.1.4. Dependent survival.

E7.1.1.5. Training costs.

E7.1.1.6. Burial.

E7.1.1.7. Compensation.

E7.1.1.8. Disability Retirement.

(For civilian employees, use actual worker compensation costs, when available.)

E7.1.2. The following special definitions apply when using the Cost Standards Table:

E7.1.2.1. Fatal Injury or Occupational Illness (column 6). One that results in death from an accident or the complications arising therefrom, regardless of the length of time intervening between the accident and a subsequent death.

E7.1.2.2. Permanent Total Disability (column 5). Any nonfatal injury or occupational illness that, in the opinion of competent medical authority, permanently and totally incapacitates a person to the extent that he or she cannot follow any gainful occupation and results in a medical discharge or civilian equivalent. (The loss, or the loss of use of both hands, both feet, both eyes, or a combination of any of those body parts as a result of a single accident will be considered as a permanent total disability.)

E7.1.2.3. Permanent Partial Disability (column 4). An injury or an occupational illness that does not result in death or permanent total disability, but, in the opinion of competent medical authority, results in permanent impairment through loss or loss of use of any part of the body, with the following exceptions:

E7.1.2.3.1. Loss of teeth.

E7.1.2.3.2. Loss of fingernails or toenails.

E7.1.2.3.3. Loss of tip of fingers or tip of toe without bone involvement.

E7.1.2.3.4. Inguinal hernia, if it is repaired.

E7.1.2.3.5. Disfigurement.

E7.1.2.3.6. Sprains or strains that do not cause permanent limitation of motion.

E7.1.2.4. Lost Time Case (column 3). A nonfatal traumatic injury that causes any loss of time from work beyond the day or shift it occurred or a non-fatal non-traumatic illness and/or disease that causes disability at any time.

E7.1.2.5. No Lost Time Case (column 1). A nonfatal injury or illness and/or disease that does not meet the definition of a lost time case (usually created by a compensation claim for medical expense).

TABLE E7.T1. COST STANDARDS TABLE (in \$)¹

	No Lost Time Case	Hospitalized ⁵	Lost Time Case ⁶	Permanent Partial Disability ⁵	Permanent Total Disability	Fatality
Submarine and/or Flying Officer	120/day	466/day	425/day	210,000	1,300,000	\$1,100,000
Other Officers	120/day	466/day	425/day	145,000	845,000	\$395,000
Enlisted Personnel, Cadets	120/day	466/day	375/day	115,000	500,000	\$125,000 ³ 270,000 ⁴
Civilian Employees ²	120/day	466/day	350/day	250,000	385,000	\$460,000
Program Youth and/or Student Assistance Employees and Foreign Nationals	120/day	466/day	300/day	180,000	390,000	\$270,000

¹ These estimates are intended to provide generalized figures to enable order of magnitude estimates of costs. They were developed in 1988 and have not been updated so that analysts can make generalized comparisons against historical data.

² For civilian employees, use actual worker compensations costs when available.

³ Nonflight crew member fatality.

⁴ Flight crew member fatality.

⁵ Total costs, including days involving lost time and days hospitalized.

⁶ Includes cost for days involving lost time.