

VOSH PROGRAM DIRECTIVE: 14-005C

ISSUED: 18 December 2014

SUBJECT: First Report of Injuries and Illnesses (FRI) Local Emphasis Program (LEP)

Purpose

CHANGE I: This revision updated old references and renumbered this LEP to conform to the revised VOSH program directives' classification and numbering system (See VOSH Directive 01-001A).

CHANGE II: This revision updates this LEP to require inspections in cases where previously a phone/fax investigation may have been undertaken.

CHANGE III: This revision updates this LEP to require inspections where there is an in-patient hospitalization of one (1) or more employees;

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope

This directive applies VOSH-wide.

Reference

Not Applicable.

Cancellation

VOSH Program Directive 14-005B (01 February 2005)

Effective Date

18 December 2014

Action

Directors and Managers shall ensure that policies and procedures established in this Directive are uniformly enforced and field personnel understand and comply with the requirements included in this Directive.

Expiration Date

Not Applicable.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
Legal Support & IMIS Support Staffs

Cooperative Programs Manager
VOSH Compliance & Cooperative Programs Staff
OSHA Region III & Norfolk Area Offices

I. Background

The First Report of Injuries and Illnesses (FRI) Local Emphasis Program (LEP) has been formally established since 1993. Of the 434 inspections conducted under this program from 1998 to 2002, sixty seven percent (67%) of worksites inspected were noncompliant and forty five percent (45%) of these worksites had serious, willful or repeat violations. These results are significantly higher than the results produced with general schedule programmed inspections.

II. Procedures.

The Director of VOSH Programs shall ensure that each Regional Director develops an establishment list for first reports of injuries and illnesses (FRI). **VOSH Headquarters** will provide, on a regular schedule, copies of FRI reports to the regions for screening and selection of employers to place on the establishment list.

FRI forms will be reviewed by the regional office to find those reports which involve:

1. Fatalities;
2. **In-patient hospitalization of one (1) or more employees;**
3. Loss of limb(s) or loss of sight (total or partial), including one or more joints of a finger;
4. Numerous injuries of the same type at the same establishment within a short period of time (e.g., six (6) months);
5. Accident sites reported by the media, other government agencies or healthcare workers; and
6. Any injury directly related to an objective in VOSH's Strategic Plan

An inspection will be conducted of each of the reported accidents that meet the above criteria. Fatal accidents shall be inspected immediately when the cause of the accident appears to be occupationally-related (i.e., where a VOSH standard or the general duty clause may apply). The employer may be requested to provide OSHA 300 logs, in addition to other accident-related information.

Inspections conducted under this program directive will be given a priority immediately below that of Imminent Danger inspections.

III. Database Entry Coding. The majority of inspections conducted under this LEP will be "Health" inspections and, in such cases, should be coded as such.

- A. Planned/Targeted Inspections. LEP inspections of firms that are planned or targeted as a result of this LEP inspection type will be coded as "**Programmed Planned**" and then classification coded as an LEP, specifically indicating "FRI".
- B. Referral Inspections. Inspections that are conducted as a referral under this LEP will be coded as "**Programmed Related**" and then classification coded as an LEP, specifically indicating "FRI". *Where "**Program Related**" inspections are conducted, they will be so indicated on the VOSH-1.*
- C. Complaint inspections. Inspections under this LEP that are conducted as a result of a complaint or fatality/catastrophe will be coded as "**Unprogrammed Related**" and then classification coded as an LEP, specifically indicating "FRI".

IV. Evaluation.

An annual evaluation of the program, either on a fiscal or calendar year basis, may be made to assess its efficiency and effectiveness in carrying out its specified mandate during the previous year. Such evaluation will incorporate:

- A. Statistical Information. Basic statistical information consisting of number of inspections conducted, number and types of violations issued, geographic distribution of establishments, company size, incident rate, number of no-inspections, number of contests and number of denials of entries.
- B. Problems. Any special problems which may have surfaced and any new solutions.
- C. New Procedures. Any procedures developed by a regional office which may be helpful to other regions.
- D. Comments/Recommendations. Any other issues, comments or ideas regarding the LEP and recommendations for its change, continuance or elimination.