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TITLE 610 DEPARTMENT OF LABOR

Proposed Rule

LSA Document #03-252

DIGEST

Amends 610 IAC 4-6-23 to comply with amended federal Occupational Safety and Health Administration requirements for recording and reporting fatalities and multiple hospitalization incidents. Effective 30 days after filing with the secretary of state.

610 IAC 4-6-23

SECTION 1. 610 IAC 4-6-23, AS ADDED AT 26 IR 367, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

610 IAC 4-6-23 Reporting fatalities and multiple hospitalization incidents

Authority: IC 22-1-1-2; IC 22-8-1.1-48.1

Affected: IC 22-8-1.1-3.1; IC 22-8-1.1-43.1

Sec. 23. (a) Within ~~forty-eight (48)~~ **eight (8)** hours after the death of any employee from a work-related incident or the inpatient hospitalization of ~~five (5)~~ **three (3)** or more employees as a result of a work-related incident, the employer must orally report the fatality **or** multiple hospitalization by telephone or in person to the Indiana occupational safety and health administration (IOSHA). The employer shall contact IOSHA by calling 1-317-232-2693. The employer may also use the federal Occupational Safety and Health Administration toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).

(b) The employer must report fatalities and multiple hospitalization incidents as follows:

(1) Reporting the incident by leaving a facsimile transmission or e-mail is prohibited. If IOSHA is closed and the employer cannot talk to a person at IOSHA, the employer must report the fatality or multiple hospitalization incident by calling 1-317-232-2693 or 1-800-321-OSHA.

(2) The employer must give IOSHA the following information for each fatality or multiple hospitalization incident:

(A) The establishment name.

(B) The location of the incident.

(C) The time of the incident.

(D) The number of fatalities or hospitalized employees.

(E) The names of any injured employees.

(F) The employer's contact person and his or her phone number.

(G) A brief description of the incident.

(3) The employer does not have to report all fatality or multiple hospitalization incidents resulting from a motor vehicle accident. If the motor vehicle accident occurs on a public street or highway and does not occur in a construction work zone, the employer does not have to report the incident to IOSHA. However, these injuries must be recorded on the employer's OSHA injury and illness records if the employer is required to keep such records.

(4) Reporting a fatality or multiple hospitalization incident that occurs on a commercial or public transportation system is not required. Employers do not have to call IOSHA to report a fatality or multiple hospitalization incident if it involves a commercial airplane, train, subway, or bus accident. However, these injuries must be recorded on the employer's IOSHA injury and illness records if the employer is required to keep such records.

(5) Reporting a fatality caused by a heart attack at work is required. IOSHA will then decide whether to investigate the incident depending on the circumstances of the heart attack.

(6) Reporting a fatality or hospitalization that occurs long after the incident is not required. The employer must only report each fatality or multiple hospitalization incident that occurs within thirty (30) days of an incident.

(7) If an employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this section, the employer must make the report within ~~forty-eight (48)~~ **eight (8)** hours of the time the incident is reported to the employer or to any of the employer's agents or employees.
(Department of Labor; 610 IAC 4-6-23; filed Sep 26, 2002, 11:22 a.m.: 26 IR 367)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 24, 2003 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W195, Indianapolis, Indiana the Department of Labor will hold a public hearing on on a proposed amendment concerning recording and reporting fatalities and multiple hospitalization incidents. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W195 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Nancy J. Guyott
Commissioner
Department of Labor