

## **Sample Listing of Regulations Requiring Incident Reports**

Note: The following are excerpts of various reporting requirements from the Code of Federal Regulations and meant to give a general idea on how to construct an incident investigation program. This is not a complete list of reporting requirements nor are all facilities required to follow all the requirements listed here.

### **SARA 355.40 (b) Emergency Release Notification**

b) Notice requirements. (1) The owner or operator of a facility subject to this section shall immediately notify the community emergency coordinator for the local emergency planning committee of any area likely to be affected by the release and the State emergency response commission of any State likely to be affected by the release. If there is no local emergency planning committee, notification shall be provided under this section to relevant local emergency response personnel.

(2) The notice required under this section shall include the following to the extent known at the time of notice and so long as no delay in notice or emergency response results:

(i) The chemical name or identity of any substance involved in the release.

(ii) An indication of whether the substance is an extremely hazardous substance.

(iii) An estimate of the quantity of any such substance that was released into the environment.

(iv) The time and duration of the release.

(v) The medium or media into which the release occurred.

(vi) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(vii) Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordination pursuant to the emergency plan).

(viii) The names and telephone number of the person or persons to be contacted for further information.

(3) As soon as practicable after a release which requires notice under (b)(1) of this section, such owner or operator shall provide a written follow-up emergency

notice (or notices, as more information becomes available) setting forth and updating the information required under paragraph (b)(2) of this section, and including additional information with respect to:

- (i) Actions taken to respond to and contain the release,
- (ii) Any known or anticipated acute or chronic health risks associated with the release, and,
- (iii) Where appropriate, advice regarding medical attention necessary for exposed individuals.

(4) Exceptions. (i) Until April 30, 1988, in lieu of the notice specified in paragraph (b)(2) of this section, any owner or operator of a facility subject to this section from which there is a release of a CERCLA hazardous substance which is not an extremely hazardous substance and has a statutory reportable quantity may provide the same notice required under CERCLA section 103(a) to the local emergency planning committee.

(ii) An owner or operator of a facility from which there is a transportation-related release may meet the requirements of this section by providing the information indicated in paragraph (b)(2) to the 911 operator, or in the absence of a 911 emergency telephone number, to the operator. For purposes of this paragraph, a transportation-related release means a release during transportation, or storage incident to transportation if the stored substance is moving under active shipping papers and has not reached the ultimate consignee.

#### **RMP or Risk Management Plan (From 40 CFR)**

68.60 Incident investigation.

(a) The owner or operator shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release.

(b) An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

(c) A summary shall be prepared at the conclusion of the investigation which includes at a minimum:

- (1) Date of incident;
- (2) Date investigation began;
- (3) A description of the incident;
- (4) The factors that contributed to the incident; and,

(5) Any recommendations resulting from the investigation.

(d) The owner or operator shall promptly address and resolve the investigation findings and recommendations. Resolutions and corrective actions shall be documented.

(e) The findings shall be reviewed with all affected personnel whose job tasks are affected by the findings.

(f) Investigation summaries shall be retained for five years.

**CWA 122.41 (1) 6 & 7 (CWA is Clean Water Act)**

(6) Twenty-four hour reporting. (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

(See § 122.41(g).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants

listed by the Director in the permit to be reported within 24 hours.

(See § 122.44(g).)

(iii) The Director may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (1) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports

shall contain the information listed in paragraph (1)(6) of this section.

**PSM (OSHA Process Safety Management)**

1910.119(m)  
Incident investigation.

1910.119(m)(1)  
The employer shall investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release of highly hazardous chemical in the workplace.

1910.119(m)(2)  
An incident investigation shall be initiated as promptly as possible, but not later than 48 hours following the incident.

1910.119(m)(3)  
An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved, including a contract employee if the incident involved work of the contractor, and other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident.

1910.119(m)(4)  
A report shall be prepared at the conclusion of the investigation which includes at a minimum:

1910.119(m)(4)(i)  
Date of incident;

..1910.119(m)(4)(ii)

1910.119(m)(4)(ii)  
Date investigation began;

1910.119(m)(4)(iii)  
A description of the incident;

1910.119(m)(4)(iv)  
The factors that contributed to the incident; and,

1910.119(m)(4)(v)  
Any recommendations resulting from the investigation.

1910.119(m)(5)  
The employer shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.

1910.119(m)(6)  
The report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

1910.119(m)(7)

Incident investigation reports shall be retained for five years.

**OSHA Fatalities / Multiple hospitalizations Rule**

1904.39(a)

Basic requirement. Within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident. You may also use the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).

1904.39(b)

Implementation.

1904.39(b)(1)

If the Area Office is closed, may I report the incident by leaving a message on OSHA's answering machine, faxing the area office, or sending an e-mail? No, if you can't talk to a person at the Area Office, you must report the fatality or multiple hospitalization incident using the 800 number.

1904.39(b)(2)

What information do I need to give to OSHA about the incident? You must give OSHA the following information for each fatality or multiple hospitalization incident:

1904.39(b)(2)(i)

The establishment name;

1904.39(b)(2)(ii)

The location of the incident;

1904.39(b)(2)(iii)

The time of the incident;

1904.39(b)(2)(iv)

The number of fatalities or hospitalized employees;

1904.39(b)(2)(v)

The names of any injured employees;

1904.39(b)(2)(vi)

Your contact person and his or her phone number; and

1904.39(b)(2)(vii)

A brief description of the incident.

1904.39(b)(3)

Do I have to report every fatality or multiple hospitalization incident resulting from a motor vehicle accident?

No, you do not have to report all of these incidents. If the motor vehicle accident occurs on a public street or highway, and does not occur in a construction work zone, you do not have to report the incident to OSHA. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

1904.39(b)(4)

Do I have to report a fatality or multiple hospitalization incident that occurs on a commercial or public transportation system? No, you do not have to call OSHA 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 your OSHA injury and illness records, if you are required to keep such records.

1904.39(b)(5)

Do I have to report a fatality caused by a heart attack at work? Yes, your local OSHA Area Office director will decide whether to investigate the incident, depending on the circumstances of the heart attack.

1904.39(b)(6)

Do I have to report a fatality or hospitalization that occurs long after the incident? No, you must only report each fatality or multiple hospitalization incident that occurs within thirty (30) days of an incident.

1904.39(b)(7)

What if I don't learn about an incident right away? If you do not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under paragraphs (a) and (b) of this section, you must make the report within eight (8) hours of the time the incident is reported to you or to any of your agent(s) or employee(s).

[66 FR 6133, Jan. 19, 2001]

#### **Vinyl Chloride Standard (from OSHA, 29 CFR )**

1910.1017(n)(2)

Emergencies, and the facts obtainable at that time, shall be reported within 24 hours to the OSHA Area Director. Upon request of the Area Director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

1910.1017(n)(3)

Note: OSHA has standards for other chemicals such as Acrylonitrile and 1,3-Butadiene, etc.

