

New Rule Change for Reporting Motor Vehicle Fatalities in Oregon

By Joe Miller

OR-OSHA has adopted new rules that take effect on January 1, 2007 regarding the reporting of fatalities and injuries resulting from motor vehicle accidents. These adopted rule changes can be viewed online, www.cbs.state.or.us/external/osha/pdf/notices/adopted2006/ao72006_div1multilgslcnsl_chngs.pdf.

The major change in this segment of the administrative rule (found on page 30 of the document) is the following paragraph:

Heart Attacks & Motor Vehicle Accidents: You must report a fatality caused by a heart attack at work. You must report a fatality resulting from motor vehicle accidents that happen during the employee's work shift. The local OR-OSHA field office safety or health manager will decide whether to investigate the incident, depending on the circumstances of the heart attack or motor vehicle accident.

Fatalities and catastrophes must be reported within eight hours of the occurrence or employer knowledge. The rules were also edited to bring clarity to the reader about the definition of a catastrophe. A "catastrophe" is defined by Oregon OSHA as "an accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility" OAR 437-001-0010(1).

Requirements surrounding overnight hospitalization for medical treatment other than observation remain unchanged and are required to be reported within 24 hours after occurrence or employer knowledge. This includes overnight hospitalization as a result of a motor vehicle accident that happens during the employee's work shift. According to OAR 437-001-0700, hospitalization for observation is not reportable, nor is emergency room treatment.

Other changes going into affect January 1, 2007:

Reporting injuries on the OSHA 300 Log

If you are notified that a former employee has had a work related injury or illness, record the date of the incident on the appropriate OSHA 300 Log for the date of the injury. If the date is not known, use the last day of employment.

Manifest injustice

To prevent a manifest injustice, the administrator, at the administrator's own discretion or upon request from the Division or an adversely affected person, may vacate or amend a Division citation, notice, or order. This provision was in the rules previously, but it was only available if an employer had an untimely appeal. Now, the administrator can be petitioned for manifest injustice regardless of appeal status.

OSHA form 300A Annual Summary

Just as a reminder, the OSHA 300A Annual Summary must be posted from February 1 through April 30, 2007 for injuries reported on the 2006 OSHA 300 Log.

If you have any questions please contact Joe Miller, joem@agc-oregon.org or 503-789-6993, or your safety and loss control consultant.

