

## Letter of Agreement

Between

Oregon Occupational Safety and Health Administration (OR OSHA)

and

Oregon Fatality Assessment and Control Evaluation Program (OR FACE)

### I. PURPOSE

Facilitate collaboration between OR OSHA and the OR FACE program to support the quality and quantity of FACE fatality investigation reports, and associated fatality prevention outreach in Oregon. OR OSHA provides FACE with critical opportunities to observe investigations as they occur, as well access to information and evidence for completed investigations. Collaborative interactions between OR OSHA and OR FACE investigation staff will produce the best possible outreach and educational materials for safety professionals, employers, and workers. The NIOSH FACE investigation report format, and the OR FACE program's available outreach channels, also provide OR OSHA staff with opportunities for prevention recommendations to be more widely distributed.

### II. BACKGROUND

The National Institute for Occupational Safety and Health (NIOSH) FACE program is designed to increase the understanding of factors that contribute to occupational injury deaths in order to identify effective prevention strategies. FACE activities include surveillance, targeted investigations, and outreach. The goal of targeted FACE investigations is to prevent fatal injuries by studying the work environment, the worker, the task the worker was performing, the tools the worker was using, the energy exchange resulting in fatal injury, and the role of management in controlling how these factors interact. The FACE program investigations do not seek to determine fault or place blame on companies or individual workers. Employer and employee names, or other identifiers are not included in reports.

### III. SUBSTANCE OF THE AGREEMENT

Facilitate a collaborative process between Oregon OSHA and Oregon FACE program in the production of FACE investigations and investigation reports.

To establish this agreement, Oregon OSHA and Oregon FACE program agree to the following:

- a. OR OSHA fatality investigators will provide all employers at the opening (or closing) conference an informational pamphlet on the OR FACE research and investigation program.

- b. OR FACE program researchers will be provided access to participate as a silent observer for selected OR OSHA fatality investigations (approximately 6 per year). Oregon OSHA will have final approval of which on-site fatality investigations OR FACE will participate. Prior to an observed visit or interview, the OR OSHA Safety Compliance Officer leading the investigation and the OR FACE observer(s) should communicate to establish expectations and plan for how the OR FACE observer(s) may ask clarifying questions or request additional information regarding the investigation. During worksite visits or interviews where OR FACE personnel are observer(s), they will be allowed to make suggested investigation question(s) to be asked by the Oregon OSHA fatality investigator. Collaborative debriefing conversations between OR OSHA and OR FACE following worksite visits or interviews are encouraged to maximize understanding of root causes and contributing factors in the relevant case.
- c. OR OSHA fatality investigators may share information with OR FACE program personnel throughout an open investigation. The OR FACE program personnel will not interfere with or delay any OR OSHA investigation processes.
- d. OR OSHA fatality investigators are invited to suggest compelling, recently closed OR OSHA investigation cases for follow-up and further investigation by OR FACE. This will allow the production of additional outreach OR FACE investigation reports for cases that OR OSHA deems to have very high educational value.
- e. As a research program, OR FACE may conduct investigation activities independent of OR OSHA processes. When OR FACE is following up on a closed OR OSHA investigation, OR FACE will notify the original OR OSHA investigator and seek feedback and assistance as needed.
- f. When OR FACE conducts independent investigation activities for an open OR OSHA investigation, OR FACE will not publish their findings before the OR OSHA investigation is closed and a matter of public record. In all cases, both parties are encouraged to coordinate and share information to enhance the quality of outreach publications and prevention efforts.

#### IV. PROCEDURES

- a. OR OSHA will provide initial notification by email to the Oregon FACE program through the OR OSHA fatality intake form email distribution list.
- b. Both OR OSHA and OR FACE may identify or request OR OSHA fatality investigations where OR FACE would observe and participate. If OR FACE is the initiating party, they will contact the OR OSHA field office or the assigned compliance officer as soon as possible to arrange the details of the investigation participation. At this time, it is expected that the OR FACE investigator is the OR FACE staff member to participate in investigations. The inclusion of any subject matter experts contracted by OR FACE will be subject to OR OSHA approval. The following are current priorities or areas of interest for FACE investigations (2021-2026):

##### Current Oregon Priorities

- 1) Any fatal injury within the Portland metro area (broadly defined) and surrounding communities including Salem.
- 2) Falls in construction.


- 3) Workers involved in mobile machinery events.
- 4) Temporary and/or contingent workers.
- 5) Young workers (25 years and under) and workers new to the job (within the first year at the position).
- 6) Minority workers in terms of race/ethnicity (e.g., Black or African American, Hispanic/Latino, American Indian, Pacific Islander) backgrounds, and immigration status (e.g., migrant, seasonal workers, undocumented workers).

Additional current NIOSH (National) FACE priorities.


- 1) Deaths associated with robot-related, law enforcement officer motor vehicle, tree care/arboret, powered industrial trucks/warehousing, tow truck drivers, and waste collection/sanitation.
- c. When OR FACE participates in an on-site OR OSHA investigation, OR OSHA and OR FACE program will arrange a follow-up meeting to discuss the fatality investigation, which will provide for better information exchange, understanding of events, and outreach and education materials.

V. EFFECTIVE DATE


This agreement is in effect upon signature by the parties. It may be amended at any time by mutual written agreement of the agencies and maybe terminated by either agency upon sixty days written notice.

  
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 Julie Love  
 Administrator, Oregon OSHA  
 Department of Consumer and Business Services

10/22/2021  
 Date

  
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 David Hurtado, ScD  
 Director, Oregon FACE  
 Assistant Professor, Oregon Institute of Occupational Health Sciences  
 Oregon Health & Science University

10/22/2021  
 Date

  
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 Ryan Olson, PhD  
 Co-Principal Investigator, NIOSH Occupational Health Surveillance grant  
 (grant #U60 OH0012411)  
 Professor, Oregon Institute of Occupational Health Sciences  
 Oregon Health & Science University

10/22/21  
 Date