



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Fatalities and Multiple Hospitalizations

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Fatalities and Multiple Hospitalizations

Reference Number: MTAS-1494

Within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as the 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, U.S. Department of Labor, that is nearest the site of the incident. Employers also may use the OSHA toll-free central telephone number, 1-800-321-6742 (1-800-321-OSHA). 29 C.F.R. § 1904.39(a). If the area office is closed, employers **may not** leave a message on OSHA's answering machine, fax the area office, or send an e-mail, but **must call** the toll-free number for the U.S. Department of Labor OSHA office or the reporting application located on OSHA's public website at www.osha.gov [1]. 29 C.F.R. § 1904.39(b)(1).

Under the TOSHA regulation (088-1-3-.05), you must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of TOSHA, Tennessee Department of Labor and Workforce Development, that is nearest to the site of the incident. You may also use the TOSHA toll-free central telephone number, 1-800-249-8510.

In reporting a fatality or multiple hospitalizations, you must give OSHA the following information: 29 C.F.R. § 1904.39(b)(2)

- Establishment name;
- Location of the incident;
- Time of the incident;
- Type of reportable event (i.e. fatality, in-patient hospitalization, amputation, or loss of an eye);
- Number of fatalities or hospitalized employees;
- Names of any injured employees;
- A contact person for you and his/her phone number; and
- A brief description of the incident.

If you do not learn about a reportable incident right away, you must make the report within eight hours of the time the incident is reported. **If the report is not made within 30 days of the incident, you do not have to report the fatality or hospitalization.**

As with other rules, there are exceptions. Employers do not have to report all incidents involving fatalities and multiple hospitalizations 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 incident does not have to be reported to OSHA. The injuries, however, must be recorded on the OSHA injury and illness record, if you are required to keep such a record (death, loss of days, restricted duties, transfer, etc.). 29 C.F.R. § 1904.39(b)(3). The same rules apply to incidents involving commercial airplane, train, subway or bus accidents. 29 C.F.R. § 1904.39(b)(4).

Links:

[1] <http://www.osha.gov>

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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