

# Reporting of Unsafe or Unhealthful Working Conditions

NIST S 7101.02

Approval Date: 04/02/2024

Effective Date<sup>1</sup>: 04/01/2015

## 1. PURPOSE

a. The purpose of this suborder is to establish a formal mechanism to assure prompt analysis and response to employee and covered associates (**hereafter referred to as “NIST staff”**) reports of perceived unsafe or unhealthful working conditions (UWCs), *i.e.*, of conditions or practices, in any NIST workplace, that staff member believes may have a direct or immediate impact on safety or health. The formal mechanism comprises:

(1) Reporting of perceived UWCs to the Chief Safety Officer (CSO);

(2) Inspections of reported UWCs by the Office of Safety, Health, and Environment (OSHE);

(3) The identification and implementation of corrective actions by the responsible Organizational Units (OUs), as necessary; and

(4) Notifications to OSHE and the reporting staff member when corrective actions have been completed.

b. This suborder also outlines the process by which NIST staff and management should abate perceived UWCs through direct staff member or management action. **Before reporting UWCs to the CSO, NIST staff should, whenever possible, abate the UWCs themselves or work with their management, OU/division safety personnel, OSHE, or others to abate the UWCs, as this will generally result in prompt analysis and abatement of UWCs.** See Section 9a and Appendix B, Flow Chart for Staff Member/Management Actions in Response to Perceived UWCs.

<sup>1</sup> For revision history, see Appendix A.

37 **2. BACKGROUND**

38 a. NIST P 7100.00 articulates NIST’s commitment to make occupational safety and health an  
39 integral core value and vital part of the NIST culture by, in part, fostering a work  
40 environment in which NIST staff are encouraged to report and raise safety and health issues  
41 without fear of reprisal.

42  
43 b. NIST must meet the requirements of 29 Code of Federal Regulations (CFR) 1960.28,  
44 Employee Reports of Unsafe or Unhealthful Working Conditions, which states that  
45 employees [NIST staff] have the right and are encouraged to report UWCs to an agency  
46 safety and health official to request inspections of those conditions.<sup>2</sup> Implementation of this  
47 suborder through the requirements in Section 6 and the roles and responsibilities in Section 9  
48 fulfills those requirements.

49  
50 a. NIST must meet the requirements of 29 CFR 1960.26, Conduct of Inspections, and 29 CFR  
51 1960.30, Abatement of Unsafe or Unhealthful Working Conditions, which establish  
52 minimum UWC inspection and abatement requirements. Implementation of this suborder  
53 through the requirements in Section 6 and the roles and responsibilities in Section 9 fulfills  
54 those requirements.

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57 **3. APPLICABILITY**

58 a. The requirements in Section 6 of this suborder apply to UWCs reported by NIST staff to the  
59 CSO to request inspections of those UWCs by OSHE.

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61 b. The process outlined in Appendix B of this suborder applies to perceived UWCs that can be  
62 addressed by NIST staff themselves or by NIST staff working with their line management,  
63 OU/division safety personnel, OSHE, or others.<sup>3</sup> This process should be followed whenever  
64 possible, but its existence does not preclude NIST staff from reporting UWCs to the CSO at  
65 any point to request inspections by OSHE.

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67  
68 **4. REFERENCES**

69 a. [OSH Act of 1970, Section 19](#), Federal Agency Safety Programs and Responsibilities

70  
71 b. [Executive Order 12196](#), Occupational Safety and Health Programs for Federal Employees

72  
73 c. [29 CFR 1960.28](#), Employee Reports of Unsafe or Unhealthful Working Conditions

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<sup>2</sup> For NIST, the agency safety and health official is the CSO, who is also the Director of OSHE.

<sup>3</sup> This suborder distinguishes between NIST staff communicating UWCs to OSHE to request safety assistance and NIST staff reporting UWCs to the CSO to request inspections by OSHE. OSHE will ascertain staff member intent when it receives staff member requests.

- 74 d. [29 CFR 1960.26](#), Conduct of Inspections  
75  
76 e. [29 CFR 1960.30](#), Abatement of Unsafe or Unhealthful Working Conditions  
77

78  
79 **5. APPLICABLE NIST DIRECTIVES**

- 80 a. NIST P 7100.00: [Occupational Safety and Health Policy](#)  
81  
82 b. NIST O 7101.00: [Occupational Safety and Health Management System](#)  
83  
84 c. NIST S 7101.01: [Safety Rights and Responsibilities](#)  
85  
86 d. NIST S 7101.03: [Stop Work](#)  
87  
88 e. NIST S 7101.23: [Safety Education and Training](#)  
89  
90 f. NIST S 7101.24: [Incident Reporting and Investigation](#)  
91

92  
93 **6. REQUIREMENTS**

94 As indicated in Section 1, NIST staff should, whenever possible, abate UWCs themselves or  
95 work with their management, OU/division safety personnel, OSHE, or others to abate the UWCs  
96 before reporting them to the CSO to request inspections by OSHE. The present section delineates  
97 the requirements of the formal mechanism for reporting UWCs to the CSO, and Section 9  
98 provides the associated responsibilities. Appendix C, Reporting of UWCs to the CSO, presents  
99 most of this information in flow chart.

- 100  
101 a. Reporting of Perceived UWCs to the CSO to Request Inspections by OSHE

102  
103 (1) Such perceived UWCs should be reported by NIST staff to the CSO using the most  
104 expeditious means available.<sup>4</sup>

105  
106 (2) UWCs reported to the CSO shall be documented in writing and contain the following  
107 information:

- 108  
109 (a) Name and contact information of the reporting staff member;  
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<sup>4</sup> For example, reports of perceived UWCs may be made by calling x5375, Option 3.

- 111 (b) Indication of whether the reporting staff member desires that his or her name not be  
112 disclosed to anyone outside of OSHE other than an Authorized Representative of the  
113 Secretary of Labor, or as otherwise required by law;  
114  
115 (c) Brief description of the UWC;  
116  
117 (d) Date and time the UWC was first observed;  
118  
119 (e) Where the UWC is located, *e.g.*, site, building, room;  
120  
121 (f) OU responsible for the space where the UWC is located, if known; and  
122  
123 (g) Brief description of any immediate measures taken to abate the UWC and to notify  
124 potentially affected NIST staff;  
125  
126 (3) If it is determined by OSHE that there are not reasonable grounds to believe that a  
127 reported UWC exists and that OSHE does not plan to conduct an inspection based on  
128 such report, the reporting staff member shall be notified by the CSO of that determination  
129 in writing within 15 calendar days of receipt of the report.  
130  
131 b. Inspection of Reported UWCs by OSHE  
132  
133 (1) Reported UWCs shall be characterized immediately by OSHE as imminent danger,  
134 serious, or other than serious.<sup>5</sup>  
135  
136 (2) If an imminent-danger UWC is suspected by OSHE based on the information reported, a  
137 responsible line manager in the responsible OU will be notified immediately by OSHE,  
138 with instructions to remove NIST staff from the danger as quickly as possible.<sup>6</sup>  
139  
140 (3) Reported UWCs shall be inspected by OSHE within the following timeframes:  
141  
142 (a) As soon as possible for suspected imminent-danger UWCs but always within 24  
143 hours;  
144  
145 (b) 3 business days for suspected serious UWCs; and  
146  
147 (c) 20 business days for suspected other-than-serious UWCs;

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<sup>5</sup> Technically, imminent-danger conditions are a subset of serious conditions. Nevertheless, serious conditions that present an imminent danger are referred to simply as “imminent danger conditions”, and serious conditions that do not present an imminent danger are referred to as “serious conditions”.

<sup>6</sup> OSHE will attempt to contact the Group Leader first, followed by the Division Chief.

- 148 (4) Inspected UWCs shall be characterized by OSHE as imminent danger, serious, or other  
149 than serious using the procedure provided in Appendix D.  
150
- 151 (5) If an imminent-danger UWC is identified during an inspection, an oral stop-work Order  
152 shall be issued by the OSHE inspector(s) in accordance with the requirements of NIST S  
153 7101.03.<sup>7</sup>  
154
- 155 (6) A written inspection report that includes a description of the inspection procedures and  
156 details any findings and recommended corrective actions shall be prepared by OSHE for  
157 each reported UWC.  
158
- 159 c. Notices of UWCs  
160
- 161 (1) If an inspection results in a finding of an imminent-danger or serious UWC, a written  
162 notice of an UWC shall be issued by OSHE to the responsible Division Chief and  
163 provided to the reporting staff member along with the inspection report.  
164
- 165 (2) The UWC notice shall characterize and describe the nature of the UWC, indicate any  
166 regulations or other requirements it violates, and provide a timeframe for abatement.  
167
- 168 (3) The UWC notice, or a copy of it, shall be posted immediately by the OU, either at or near  
169 the location where the UWC exists or existed; if that is not possible, it shall be posted in a  
170 prominent place where all affected NIST staff can read it.  
171
- 172 (4) Any additional notices describing special measures in effect during abatement of the  
173 UWC shall also be posted by the OU.  
174
- 175 (5) Each notice, or a copy of it, shall remain posted until it has been determined by the OU  
176 that the UWC has been abated or for 3 business days, whichever is longer.  
177
- 178 d. Abatement of UWCs  
179
- 180 (1) Upon receipt by an OU of an inspection report confirming the existence of an UWC,  
181 corrective actions shall be identified and implemented by the OU.  
182
- 183 (2) If it is determined by the OU that the corrective actions for imminent-danger or serious  
184 UWCs cannot be completed within 30 calendar days of receipt of the inspection report, a

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<sup>7</sup> The issuance of an oral stop-work order starts a separate process that proceeds in parallel with the inspection process; that is, the stop-work process does not replace or supersede the inspection process. An oral stop-work order requires specific actions to be taken by the OU Director, CSO, and others. Refer to NIST S 7101.03 for details.

185 corrective-action plan (CAP), including any interim measures necessary to protect NIST  
186 staff, shall be developed and provided to OSHE by the OU before 30 calendar days have  
187 elapsed and by the means specified in the inspection report.

188  
189 (3) Corrective actions for imminent-danger and serious UWCs shall be developed and  
190 implemented by the OU within the timeframe specified in the associated UWC notice. If  
191 this is not possible, a written request for an extension shall be submitted to OSHE by the  
192 responsible Division Chief before the end of the timeframe specified in the notice and by  
193 the means specified in the inspection report.

194  
195 e. Communication

196  
197 (1) Inspection reports shall be provided by OSHE to reporting NIST staff and responsible  
198 Division Chiefs within 15 calendar days of UWCs being inspected, unless there are  
199 compelling reasons why such reports cannot be provided within 15 calendar days, in  
200 which case reporting NIST staff and responsible Division Chiefs shall be informed of the  
201 delay.

202  
203 (2) When the corrective actions for abating UWCs have been completed, the corrective  
204 actions and their completion dates shall be provided to OSHE by the responsible Division  
205 Chief by the means specified in the inspection report.

206  
207 (3) When the corrective actions for abating UWCs have been completed by the OUs, the  
208 corrective actions and their completion dates shall be provided to reporting NIST staff by  
209 OSHE.

210  
211 f. Records Required by this Suborder

212  
213 (1) For each reported UWC, records shall be maintained and retained for 5 years.

214  
215 (2) The following information shall be included for each record:

216  
217 (a) The information listed in Section 6.a(2);

218  
219 (b) Documentation of OSHE's determination that there are not reasonable grounds to  
220 believe that a reported UWC exists and of its decision not to conduct an inspection  
221 based on such report, when applicable;

222  
223 (c) OSHE's initial characterization of all other UWCs as imminent danger, serious, or  
224 other than serious;

- 225 (d) OSHE’s final characterization of the UWC, if different from the initial  
226 characterization;
- 227
- 228 (e) The names of the OSHE staff member(s) who conducted the inspection;  
229
- 230 (f) A copy of the inspection report;  
231
- 232 (g) Copies of any UWC notices issued by OSHE and any additional notices posted by the  
233 OU;  
234
- 235 (h) A copy of the CAP developed by the OU when it has been determined by the OU that  
236 corrective actions cannot be completed within 30 calendar days of receipt of the  
237 inspection report; and  
238
- 239 (i) The corrective actions taken by the OU to abate the UWC and their completion dates.  
240  
241

## 242 7. DEFINITIONS

243 For definitions common to all NIST OSH suborders, see NIST O 7101.00. Definitions specific  
244 to this suborder are as follows:  
245

- 246 a. Authorized Representative of the Secretary of Labor – A person or agent of the Secretary of  
247 Labor whose authority and jurisdiction originates from the Secretary of Labor; routinely a  
248 Department of Labor employee.  
249
- 250 b. Corrective-Action Plan (CAP) – A set of planned actions to abate a recognized deficiency  
251 and their estimated completion dates.  
252
- 253 c. Covered Associate – A NIST associate permitted to perform work at a NIST workplace and  
254 subject to NIST policies and procedures to the extent allowed by law and the terms of the  
255 associate’s agreement. Covered associates include Foreign and Domestic Guest Researchers  
256 (including contractors who perform NIST R&D/technical work); Research Associates;  
257 Intergovernmental Agency Personnel Act assignees; Facility Users; Volunteer Students; and  
258 other federal employees who perform work at NIST workplaces.  
259
- 260 d. Imminent Danger (Condition or Practice) – Any serious condition or practice in any  
261 workplace which is such that a danger exists which could reasonably be expected to cause  
262 death or serious physical harm immediately or before the imminence of such danger can be  
263 eliminated through normal procedures.  
264

- 265 e. Serious (Condition or Practice) – A condition or practice in any workplace such that there is  
266 a substantial probability that death or serious physical harm could result.  
267  
268 f. UWC – Any condition or practice in any workplace that could have a direct or immediate  
269 adverse impact on safety or health.<sup>8</sup>  
270  
271 g. Workplace – A physical location where NIST work is performed.  
272

## 273 274 **8. ACRONYMS**

275 For acronyms common to all NIST OSH suborders, see NIST O 7101.00. Acronyms specific or  
276 pertinent to this suborder are:

- 277  
278 a. CAP – Corrective-Action Plan  
279  
280 b. CFR – Code of Federal Regulations  
281  
282 c. CSO – Chief Safety Officer  
283  
284 d. OSH – Occupational Safety and Health  
285  
286 e. OSHE – Office of Safety, Health, and Environment  
287  
288 f. OU – Organizational Unit  
289  
290 g. UWC – Unsafe or Unhealthful Working Condition  
291  
292

## 293 **9. ROLES AND RESPONSIBILITIES**

294 For roles and responsibilities applicable to all NIST OSH programs, see NIST O 7101.00. Roles  
295 and responsibilities specific to this suborder are as follows:

- 296  
297 a. All NIST Staff:  
298  
299 (1) Before reporting perceived UWCs to the CSO to request inspections by OSHE, follow  
300 the process outlined in Appendix B for abating perceived UWCs; and

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<sup>8</sup> Note that UWCs are conditions or practices, not “events”. As such, UWCs are not “incidents” as defined in NIST S 7101.24, *i.e.*, they are not work-related **events** in which any of the following, individually or in combination, occurred or could have occurred: an injury or illness; an unauthorized spill or release of hazardous or regulated material to the environment; damage or loss of equipment or property, and they are not reported in the NIST Incident Reporting and Investigation System (IRIS).

301 (2) When reporting UWCs to the CSO to request inspections by OSHE, indicate whether  
302 they desire that their names not be disclosed to anyone outside of OSHE other than an  
303 Authorized Representative of the Secretary of Labor, or as otherwise required by law.

304

305 b. OU Line Management and OU/Division Safety Personnel:

306

307 (1) Upon receiving staff member communications of UWCs, follow the process outlined in  
308 Appendix B for responding to the UWCs.

309

310 c. Division Chiefs:

311

312 (1) Upon receiving UWC notices from OSHE, ensure that those notices are posted in  
313 accordance with the requirements in Sections 6.c(3)-(5);

314

315 (2) Upon receiving inspection reports from OSHE for UWCs in their respective divisions,  
316 ensure that those UWCs are abated in accordance with the requirements in Section 6.d;  
317 and

318

319 (3) When the corrective actions for abating UWCs have been completed, provide those  
320 corrective actions and their completion dates to OSHE by the means specified in the  
321 inspection report.

322

323 d. CSO:

324

325 (1) Ensure that OSHE staff members receiving staff member communications regarding  
326 perceived UWCs determine whether NIST staff are requesting safety assistance or  
327 reporting UWCs to the CSO to request inspections by OSHE;<sup>9</sup>

328

329 (2) Ensure that OSHE staff members do not disclose the names of reporting NIST staff who  
330 desire non-disclosure to anyone outside of OSHE other than an Authorized  
331 Representative of the Secretary of Labor, or as otherwise required by law;

332

333 (3) Ensure that staff member oral reports of perceived are documented in writing and  
334 retained per the requirements of this suborder;

335

336 (4) If it is determined by OSHE that there are not reasonable grounds to believe that a  
337 reported UWC exists and that OSHE does not plan to conduct an inspection based on

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<sup>9</sup> If it is determined that NIST staff are requesting safety assistance, OSHE will assist those NIST staff in promptly analyzing and abating the perceived UWCs. As indicated in Section 3.b, the provision of such assistance is outside the scope of this suborder.

- 338 such report, ensure that the reporting staff member is notified of that determination in  
339 writing within 15 calendar days of receipt of the report;  
340
- 341 (5) Ensure that all other reported UWCs are characterized immediately as imminent danger,  
342 serious, or other than serious and inspected by OSHE in accordance with the  
343 requirements in Sections 6.b(3)-(6);  
344
- 345 (6) If an imminent-danger UWC is suspected based on reported information, ensure that the  
346 responsible supervisor or other official in the responsible OU is notified immediately to  
347 remove NIST staff from the danger as quickly as possible;  
348
- 349 (7) Ensure that inspection reports are provided to reporting NIST staff and responsible  
350 Division Chiefs within 15 calendar days of UWCs being inspected, or if there are  
351 compelling reasons why such reports cannot be provided within 15 calendar days, that  
352 reporting NIST staff and responsible Division Chiefs are informed of the delay;  
353
- 354 (8) When an inspection results in a finding of an imminent-danger or serious UWC, ensure  
355 that a written notice is issued in accordance with the requirements of Sections 6.c(1)-(2);  
356
- 357 (9) When corrective actions for abating UWCs have been completed by the OUs, ensure  
358 that the reporting staff member is provided with those corrective actions and their  
359 completion dates;  
360
- 361 (10) Ensure that training on this suborder is included in the training for line managers, safety  
362 and health specialists, and OU/division safety personnel required by NIST S 7101.23;  
363 and  
364
- 365 (11) Ensure that case files of reported UWCs are made available to the Secretary of Labor or  
366 the Secretary's authorized representative upon request.  
367  
368

## 369 10. AUTHORITIES

370 For authorities applicable to all NIST OSH suborders, see NIST O 7101.00. In addition:

### 372 a. NIST Staff:

- 373  
374 (1) Report UWCs directly to an authorized representative of the Secretary of Labor.<sup>10, 11</sup>

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<sup>10</sup> The Secretary of Labor encourages employees to use agency procedures as the most expeditious means of achieving abatement of UWCs.

<sup>11</sup> UWCs may be reported to an authorized representative of the Secretary of Labor by calling 1-800-321-OSHA.

375 **11. DIRECTIVE OWNER**

376 CSO

377

378

379 **12. APPENDICES**

380 A. Revision History

381

382 B. Flow Chart for Staff Member/Management Actions in Response to Perceived UWCs

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384 C. Flow Chart for Reporting of UWCs to the CSO

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386 D. Serious and Imminent Danger Determinations by OSHE

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388

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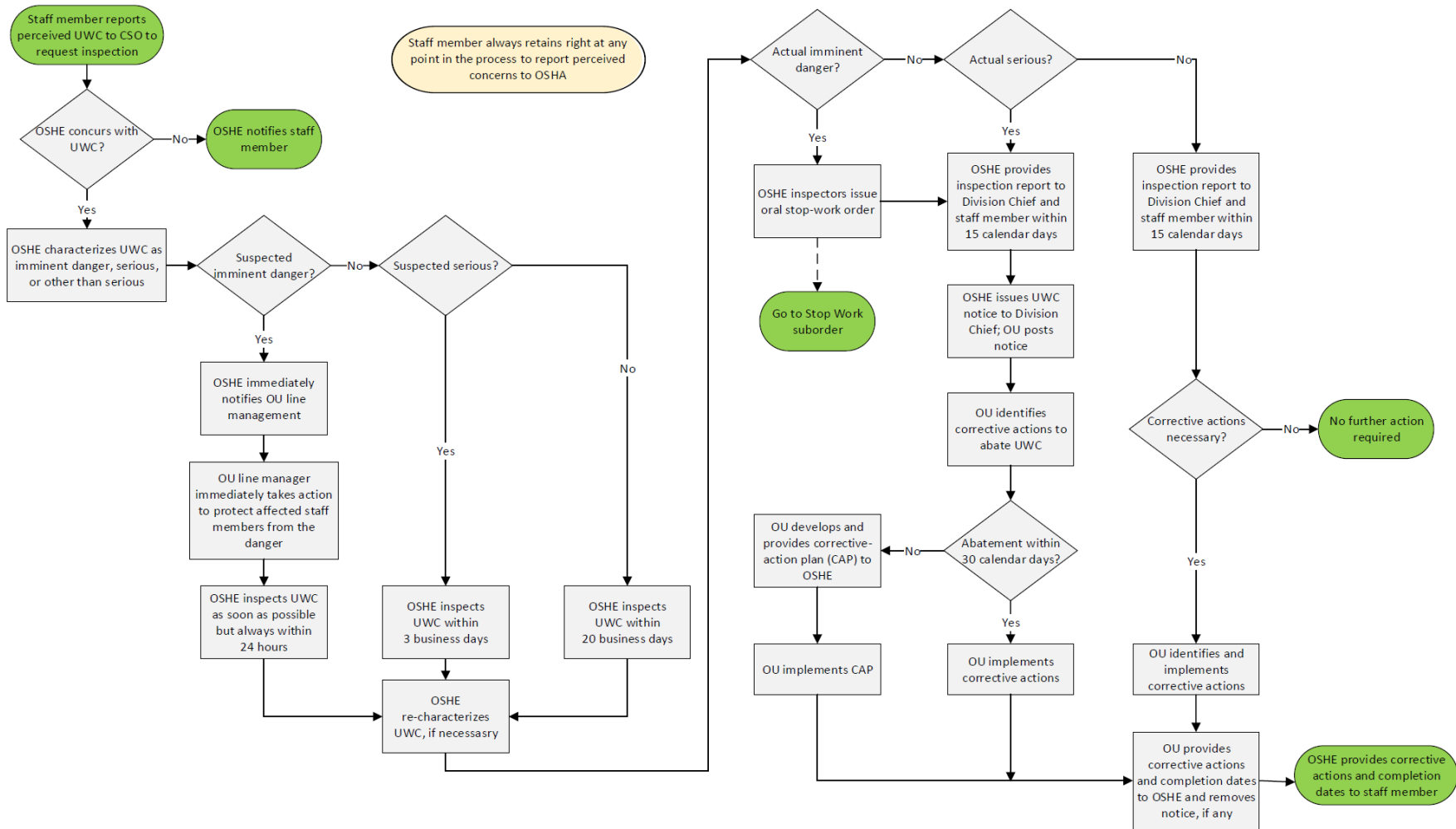
**Appendix A. Revision History**

Version No.	Approval Date	Responsible Person	Brief Description of Change; Rationale
1	10/2/14	Rich Keyser	Initial Document
2	1/5/21	April Camenisch	Updated suborder links.
3			<ul style="list-style-type: none"> <li>• Clarified applicability of the requirements as applying to both federal employee and covered associates.</li> <li>• Removed requirements previously found in Section 9.d(3) to Section 6.a(2)</li> <li>• Removed requirements previously found in Section 9.d(10) to Section 6.f</li> <li>• Editorial fixes.</li> </ul>

391



### Appendix C. Flow Chart for Reporting of UWCs to the CSO



Staff member always retains right at any point in the process to report perceived concerns to OSHA

## Appendix C. Serious and Imminent Danger Determinations by OSHE

A Notice of Unsafe or Unhealthful Working Conditions (Notice) is required when a workplace inspection identifies a situation that meets the definition of a serious working condition. In addition, a serious condition that poses an imminent danger requires issuance of a Stop Work Order, except when it is immediately corrected and controls are in place to make its recurrence unlikely. This appendix outlines the procedure that shall be followed by OSHE inspectors for making serious working condition and imminent danger determinations.

### **Determination of a “Serious” Condition.**

A serious working condition is one where a safety deficiency presents a hazard to one or more persons in which there is a substantial probability that death or serious physical harm could result. Inspectors and investigators will consider whether there is a substantial probability<sup>12</sup> that death or serious physical harm could result from an incident or exposure relating to the safety deficiency using the following three step process:

Step 1. Identify the type of potential hazards that the safety deficiency presents. If the deficiency presents more than one type of hazard, the inspector/investigator will determine which hazard could reasonably be predicted to result in the most severe injury or illness and will use that as the basis for the determination.

The following examples illustrate this step:

*Example A: NIST staff are observed working at the unguarded edge of an open-sided floor 30 feet above the ground. The type of hazard is a fall from the edge of the floor to the ground below.*

*Example B: NIST staff are observed working in an area in which debris is located. The type of hazard is tripping on debris.*

*Example C: NIST staff are observed working with methylene chloride without ventilation or respiratory protection. The type of hazard is inhalation exposure to methylene chloride.*

Step 2. Identify the most serious injury or illness that could reasonably be expected to result from the potential hazardous exposure identified in Step 1. In making this determination,

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<sup>12</sup> NOTE: The key determination is the likelihood that death or serious harm will result **IF** an accident or exposure occurs. **The likelihood of an accident occurring is not addressed in making this determination.**

inspectors/investigators shall consider all factors that would affect the severity of the injury or illness that could reasonably result from the exposure to the hazard.

For conditions involving exposure to air contaminants or harmful physical agents, inspectors/investigators will consider the concentration levels of the contaminant or physical agent in determining the types of illness that could reasonably result from the exposure. Inspectors/investigators will also consider the nature of the operation from which the exposure results, such as:

- Whether the exposure is regular and ongoing or is of limited frequency and duration;
- How long NIST staff have worked at the operation in the past;
- Whether NIST staff are performing functions which can be expected to continue; and
- Whether work practices, engineering controls, production levels, and other operating parameters are typical of normal operations.

The following examples align with the previous examples to illustrate this step:

*Example A: If a staff member falls from the edge of an open-sided floor 30 feet to the ground below, the staff member could die, break bones, suffer a concussion, or experience other serious injuries that would substantially impair a body function.*

*Example B: If an staff member trips on debris, the trip may cause abrasions or bruises, but it is only marginally predictable that the staff member could suffer a substantial impairment of a bodily function. If, however, the area is littered with protruding rebar, broken glass, or other sharp objects, it is reasonably predictable that a staff member who tripped on debris could suffer deep cuts/punctures which could require suturing.*

*Example C: If a staff member is exposed regularly to methylene chloride at 100 ppm, it is reasonable to predict that cancer could result.*

Step 3. Determine whether the type of injury or illness identified in Step 2 could include death or a form of serious physical harm. In making this determination, utilize the following definition of serious physical harm: Impairment of the body in which part of the body is made functionally useless or is substantially reduced in efficiency on or off the job. Such impairment may be permanent or temporary, chronic or acute. Injuries involving such impairment would usually require treatment by a medical doctor or other licensed health care professional.

Injuries that constitute serious physical harm include, but are not limited, to:

- Amputations (loss of all or part of a bodily appendage);
- Concussion;

- Crushing (internal, even though skin surface may be intact);
- Fractures (simple or compound);
- Burns or scalds, including electric and chemical burns;
- Cuts, lacerations, or punctures involving significant bleeding and/or requiring suturing;
- Sprains and strains; and
- Musculoskeletal disorders.

Illnesses that constitute serious physical harm include, but are not limited, to:

- Cancer;
- Respiratory illnesses (silicosis, asbestosis, byssinosis, etc.);
- Hearing impairment;
- Central nervous system impairment;
- Visual impairment; and
- Poisoning.

The following examples align with the previous examples to illustrate this step:

*Example A: If a staff member falls from the edge of an open-sided floor 30 feet to the ground below, the likely result (i.e. death, broken bones, a concussion, or other serious injuries that would substantially impair a body function) would support a “serious” determination.*

*Example B: If a staff member trips on debris in an area without other hazards (e.g. impalement) where it is unlikely that the staff member could suffer a substantial impairment, a determination of “other than serious” would be warranted. If, however, the area is littered with protruding rebar, broken glass, or other sharp objects that would likely cause deep cuts/punctures which could require suturing, a determination of “serious” would be more appropriate.*

*Example C: Routine exposure to methylene chloride at levels that could reasonably result in cancer would support a “serious” determination.*

### **Determination of an “Imminent Danger” Condition.**

An imminent danger is one where a safety deficiency presents a hazard which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal procedures.

When making an imminent danger determination, inspectors and investigators will consider whether the following conditions are present:

- The deficiency constitutes a serious<sup>13</sup> condition as outlined above; **and**
- It is reasonably likely that a serious incident could occur immediately or, if not immediately, then before abatement would otherwise be implemented.

This determination is highly dependent upon the specific activities, co-located hazards, work practices, and other factors present in the work environment.

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<sup>13</sup> For a health hazard, exposure to the toxic substance or other hazard must cause harm to such a degree as to shorten life or be immediately dangerous to life and health (IDLH) or cause substantial reduction in physical or mental efficiency or health, even though the resulting harm may not manifest itself immediately.