

# Reporting of Unsafe or Unhealthful Working Conditions

NIST S 7101.02

Approval Date: 11/23/2024

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 possible 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 possible UWCs to the designated agency safety and health official (DASHO)<sup>2</sup>;

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

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

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

b. This suborder also outlines the process by which NIST staff and management should abate possible UWCs through direct staff member or management action. **Before reporting UWCs to the Chief Safety Officer (CSO), as delegated by the DASHO, 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 Possible UWCs.

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

<sup>2</sup> For NIST, the designated agency safety and health official (DASHO) is the Associate Director for Management Resources. The specific responsibilities of the DASHO as they relate to this directive are delegated to the NIST Chief Safety Officer, who is also the Director of OSHE.

35 **2. BACKGROUND**

- 36 a. NIST P 7100.00 articulates NIST’s commitment to make occupational safety and health an  
37 integral core value and vital part of the NIST culture by, in part, fostering a work  
38 environment in which NIST staff are encouraged to report and raise safety and health issues  
39 without fear of reprisal (please also see NIST S 7101.01 Safety Rights and Responsibilities).  
40
- 41 b. NIST must meet the requirements of 29 Code of Federal Regulations (CFR) 1960.28,  
42 Employee Reports of Unsafe or Unhealthful Working Conditions, which states that  
43 employees [NIST staff] have the right and are encouraged to report UWCs to an agency  
44 safety and health official to request inspections of those conditions. Implementation of this  
45 suborder through the requirements in Section 6 and the roles and responsibilities in Section 9  
46 fulfills those requirements.  
47
- 48 a. NIST must meet the requirements of 29 CFR 1960.26, Conduct of Inspections, and 29 CFR  
49 1960.30, Abatement of Unsafe or Unhealthful Working Conditions, which establish  
50 minimum UWC inspection and abatement requirements. Implementation of this suborder  
51 through the requirements in Section 6 and the roles and responsibilities in Section 9 fulfills  
52 those requirements.  
53  
54

55 **3. APPLICABILITY**

- 56 a. The requirements of this suborder apply to UWCs reported by NIST staff to the CSO to  
57 request inspections of those UWCs by OSHE.  
58
- 59 b. The process outlined in Appendix B of this suborder applies to possible UWCs that can be  
60 addressed by NIST staff themselves or by NIST staff working with their line management,  
61 OU/division safety personnel, OSHE, or others.<sup>3</sup> This process should be followed whenever  
62 possible, but its existence does not preclude NIST staff from reporting UWCs to the CSO at  
63 any point to request inspections by OSHE.  
64

65  
66 **4. REFERENCES**

- 67 a. [OSH Act of 1970, Section 19](#), Federal Agency Safety Programs and Responsibilities  
68
- 69 b. [Executive Order 12196](#), Occupational Safety and Health Programs for Federal Employees  
70
- 71 c. [29 CFR 1960.28](#), Employee Reports of Unsafe or Unhealthful Working Conditions

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<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.

- 72 d. [29 CFR 1960.26](#), Conduct of Inspections  
73  
74 e. [29 CFR 1960.30](#), Abatement of Unsafe or Unhealthful Working Conditions  
75

76  
77 **5. APPLICABLE NIST DIRECTIVES**

- 78 a. NIST P 7100.00: [Occupational Safety and Health Policy](#)  
79  
80 b. NIST O 7101.00: [Occupational Safety and Health Management System](#)  
81  
82 c. NIST S 7101.01: [Safety Rights and Responsibilities](#)  
83  
84 d. NIST S 7101.03: [Stop Work](#)  
85  
86 e. NIST S 7101.23: [Safety Education and Training](#)  
87  
88 f. NIST S 7101.24: [Incident Reporting and Investigation](#)  
89  
90

91 **6. REQUIREMENTS**

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

- 99 a. Reporting of Possible UWCs to the CSO to Request Inspections by OSHE  
100  
101 (1) Such possible UWCs should be reported by NIST staff to the CSO using the most  
102 expeditious means available.<sup>4</sup>  
103  
104 (2) UWCs reported to the CSO shall be documented in writing and contain the following  
105 information (please see Appendix D):  
106  
107 (a) Name and contact information of the reporting staff member;  
108

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<sup>4</sup> For example, reports of possible UWCs may be made by calling x5375, Option 3.

- 109 (b) Indication of whether the reporting staff member desires that his or her name not be  
110 disclosed to anyone outside of OSHE other than an Authorized Representative of the  
111 Secretary of Labor, or as otherwise required by law;  
112  
113 (c) Brief description of the UWC;  
114  
115 (d) Date and time the UWC was first observed;  
116  
117 (e) Where the UWC is located, *e.g.*, site, building, room;  
118  
119 (f) OU responsible for the space where the UWC is located, if known; and  
120  
121 (g) Brief description of any immediate measures taken to abate the UWC and to notify  
122 potentially affected NIST staff;  
123  
124 (3) If it is determined by OSHE that there are not reasonable grounds to believe that a  
125 reported UWC exists and that OSHE does not plan to conduct an inspection based on  
126 such report, the reporting staff member shall be notified by the CSO of that determination  
127 in writing within 15 calendar days of receipt of the report.  
128

129 b. Inspection of Reported UWCs by OSHE  
130

- 131 (1) Reported UWCs shall be characterized immediately by OSHE as imminent danger,  
132 serious, or other than serious using the procedure provided in Appendix E.<sup>5</sup>  
133  
134 (2) If an imminent-danger UWC is suspected by OSHE based on the information reported, a  
135 responsible line manager in the responsible OU will be notified immediately by OSHE,  
136 with instructions to remove NIST staff from the danger as quickly as possible.<sup>6</sup>  
137  
138 (3) Reported UWCs shall be inspected by OSHE within the following timeframes:  
139  
140 (a) As soon as possible for suspected imminent-danger UWCs but always within 24  
141 hours;  
142  
143 (b) 3 business days for suspected serious UWCs; and  
144  
145 (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.

146 (4) Inspected UWCs shall be characterized by OSHE as imminent danger, serious, or other  
147 than serious using the procedure provided in Appendix E.

148  
149 (5) If an imminent-danger UWC is identified during an inspection, an oral stop-work Order  
150 shall be issued by the OSHE inspector(s) in accordance with the requirements of NIST S  
151 7101.03.<sup>7</sup>

152  
153 (6) A written inspection report that includes a description of the inspection procedures and  
154 details any findings and recommended abatement actions shall be prepared by OSHE for  
155 each reported UWC (please see Appendix D).

156  
157 c. Notices of UWCs

158  
159 (1) If an inspection results in a finding of an imminent-danger or serious UWC, a written  
160 notice of an UWC shall be issued by OSHE to the responsible Division Chief and  
161 provided to the reporting staff member along with the inspection report.

162  
163 (2) The UWC notice shall characterize and describe the nature of the UWC, indicate any  
164 regulations or other requirements it violates, and provide a timeframe for abatement.

165  
166 (3) The UWC notice, or a copy of it, shall be posted immediately by the OU, either at or near  
167 the location where the UWC exists or existed; if that is not possible, it shall be posted in a  
168 prominent place where all affected NIST staff can read it.

169  
170 (4) Any additional notices describing special measures in effect during abatement of the  
171 UWC shall also be posted by the OU.

172  
173 (5) Each notice, or a copy of it, shall remain posted until it has been determined by the OU  
174 that the UWC has been abated or for 3 business days, whichever is longer.

175  
176 d. Abatement of UWCs

177  
178 (1) Upon receipt by an OU of an inspection report confirming the existence of an UWC,  
179 abatement actions shall be identified and implemented by the OU.

180  
181 (2) If it is determined by the OU that the abatement actions for imminent-danger or serious  
182 UWCs cannot be completed within 30 calendar days of receipt of the inspection report,

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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.

183 an abatement-action plan, including any interim measures necessary to protect NIST  
184 staff, shall be developed and provided to OSHE by the OU before 30 calendar days have  
185 elapsed and by the means specified in the inspection report.

186  
187 (3) Abatement actions for imminent-danger and serious UWCs shall be developed and  
188 implemented by the OU within the timeframe specified in the associated UWC notice. If  
189 this is not possible, a written request for an extension shall be submitted to OSHE by the  
190 responsible Division Chief before the end of the timeframe specified in the notice and by  
191 the means specified in the inspection report.

192  
193 e. Communication

194  
195 (1) Inspection reports shall be provided by OSHE to reporting NIST staff and responsible  
196 Division Chiefs within 15 calendar days of UWCs being inspected, unless there are  
197 compelling reasons why such reports cannot be provided within 15 calendar days, in  
198 which case reporting NIST staff and responsible Division Chiefs shall be informed of the  
199 delay.

200  
201 (2) When the abatement actions for abating UWCs have been completed, the abatement  
202 actions and their completion dates shall be provided to OSHE by the responsible Division  
203 Chief by the means specified in the inspection report.

204  
205 (3) When the abatement actions for abating UWCs have been completed by the OUs, the  
206 abatement actions and their completion dates shall be provided to reporting NIST staff by  
207 OSHE.

208  
209 f. Records Required by this Suborder

210  
211 (1) For each reported UWC, records shall be maintained and retained for 5 years.

212  
213 (a) Records shall be stored in NIST IT applications for event management and action  
214 management.

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

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

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

- 223 (c) OSHE’s initial characterization of all other UWCs as imminent danger, serious, or  
224 other than serious;  
225  
226 (d) OSHE’s final characterization of the UWC, if different from the initial  
227 characterization;  
228  
229 (e) The names of the OSHE staff member(s) who conducted the inspection;  
230  
231 (f) A copy of the inspection report;  
232  
233 (g) Copies of any UWC notices issued by OSHE and any additional notices posted by the  
234 OU;  
235  
236 (h) A copy of the abatement action plan developed by the OU when it has been  
237 determined by the OU that abatement actions cannot be completed within 30 calendar  
238 days of receipt of the inspection report; and  
239  
240 (i) The abatement actions taken by the OU to abate the UWC and their completion dates.  
241  
242

## 243 7. DEFINITIONS

244 For definitions common to all NIST OSH suborders, see NIST O 7101.00. Definitions  
245 specific to this suborder are as follows:  
246

- 247 a. Authorized Representative of the Secretary of Labor – A person or agent of the Secretary of  
248 Labor whose authority and jurisdiction originates from the Secretary of Labor; routinely a  
249 Department of Labor employee.  
250  
251 b. Abatement-Action Plan – A set of planned actions to abate a recognized UWC and their  
252 estimated completion dates.  
253  
254 c. Imminent Danger (Condition or Practice) – Any serious condition or practice in any  
255 workplace which is such that a danger exists which could reasonably be expected to cause  
256 death or serious physical harm immediately or before the imminence of such danger can be  
257 eliminated through normal procedures.  
258  
259 d. Serious (Condition or Practice) – A condition or practice in any workplace such that there is  
260 a substantial probability that death or serious physical harm could result.  
261

262 e. UWC – Any condition or practice in any workplace that could have a direct or immediate  
263 adverse impact on safety or health.<sup>8</sup>

264

265 f. Workplace – A physical location where NIST work is performed.

266

267

## 268 **8. ACRONYMS**

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

271

272 a. CFR – Code of Federal Regulations

273

274 b. CSO – Chief Safety Officer

275

276 c. DASHO – Designated Agency Safety and Health Official

277

278 d. OSH – Occupational Safety and Health

279

280 e. OSHE – Office of Safety, Health, and Environment

281

282 f. OU – Organizational Unit

283

284 g. UWC – Unsafe or Unhealthful Working Condition

285

286

## 287 **9. ROLES AND RESPONSIBILITIES**

288 For roles and responsibilities applicable to all NIST OSH programs, see NIST O 7101.00.

289 Roles and responsibilities specific to this suborder are as follows:

290

291 a. All NIST Staff are responsible for:

292

293 (1) Before reporting possible UWCs to the CSO to request inspections by OSHE, following  
294 the process outlined in Appendix B for abating possible UWCs; and

295

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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).

- 296 (2) When reporting UWCs to the CSO to request inspections by OSHE, indicating whether  
297 they desire that their names not be disclosed to anyone outside of OSHE other than an  
298 Authorized Representative of the Secretary of Labor, or as otherwise required by law.  
299
- 300 b. OU Line Management and OU/Division Safety Personnel are responsible for:  
301
- 302 (1) Upon receiving staff member communications of UWCs, following the process outlined  
303 in Appendix B for responding to the UWCs.  
304
- 305 c. Division Chiefs are responsible for:  
306
- 307 (1) Upon receiving UWC notices from OSHE, ensuring those notices are posted in  
308 accordance with the requirements in Sections 6.c(3)-(5);  
309
- 310 (2) Upon receiving inspection reports from OSHE for UWCs in their respective divisions,  
311 ensuring those UWCs are abated in accordance with the requirements in Section 6.d; and  
312
- 313 (3) When the abatement actions for abating UWCs have been completed, providing those  
314 abatement actions and their completion dates to OSHE by the means specified in the  
315 inspection report.  
316
- 317 d. DASHO (responsibilities delegated to the CSO) is responsible for:  
318
- 319 (1) Ensuring OSHE staff members receiving staff member communications regarding  
320 possible UWCs determine whether NIST staff are requesting safety assistance or  
321 reporting UWCs to the CSO to request inspections by OSHE;<sup>9</sup>  
322
- 323 (2) Ensuring OSHE staff members do not disclose the names of reporting NIST staff who  
324 desire non-disclosure to anyone outside of OSHE other than an Authorized  
325 Representative of the Secretary of Labor, or as otherwise required by law;  
326
- 327 (3) Ensuring staff member oral reports of possible are documented in writing and retained  
328 per the requirements of this suborder;  
329
- 330 (4) If it is determined by OSHE that there are not reasonable grounds to believe that a  
331 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 possible UWCs. As indicated in Section 3.b, the provision of such assistance is outside the scope of this suborder.

- 332 such report, ensuring the reporting staff member is notified of that determination in  
333 writing within 15 calendar days of receipt of the report;  
334
- 335 (5) Ensuring all other reported UWCs are characterized immediately as imminent danger,  
336 serious, or other than serious and inspected by OSHE in accordance with the  
337 requirements in Sections 6.b(3)-(6);  
338
- 339 (6) If an imminent-danger UWC is suspected based on reported information, ensuring the  
340 responsible supervisor or other official in the responsible OU is notified immediately to  
341 remove NIST staff from the danger as quickly as possible;  
342
- 343 (7) Ensuring inspection reports are provided to reporting NIST staff and responsible  
344 Division Chiefs within 15 calendar days of UWCs being inspected, or if there are  
345 compelling reasons why such reports cannot be provided within 15 calendar days, that  
346 reporting NIST staff and responsible Division Chiefs are informed of the delay;  
347
- 348 (8) When an inspection results in a finding of an imminent-danger or serious UWC,  
349 ensuring a written notice is issued in accordance with the requirements of Sections  
350 6.c(1)-(2);  
351
- 352 (9) When abatement actions for abating UWCs have been completed by the OUs, ensuring  
353 the reporting staff member is provided with those abatement actions and their  
354 completion dates;  
355
- 356 (10) Ensuring training on this suborder is included in the training for line managers, safety  
357 and health specialists, and OU/division safety personnel required by NIST S 7101.23;  
358 and  
359
- 360 (11) Ensuring case files of reported UWCs are made available to the Secretary of Labor or  
361 the Secretary's authorized representative upon request.  
362  
363

## 364 10. AUTHORITIES

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

### 367 a. DASHO

368  
369 (1) Delegates responsibilities associated with this directive to the NIST CSO.  
370

### 371 b. NIST Staff:

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

373

374

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 Possible UWCs

383

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

385

386 D. Form – OSHE Inspection of Possible UWC

387

388 E. Serious and Imminent Danger Determinations by OSHE

389

390

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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.

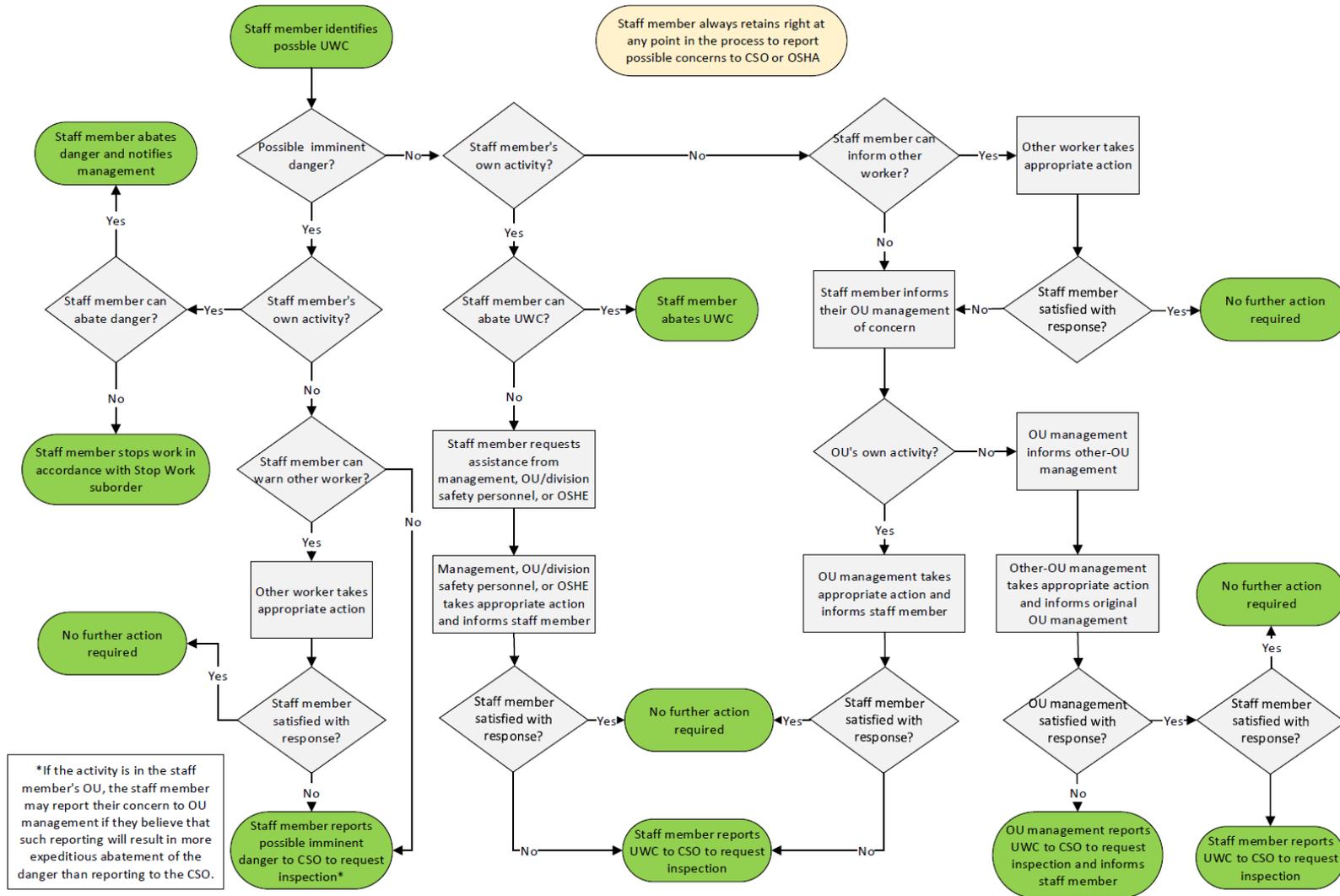
391  
392

**Appendix A. Revision History**

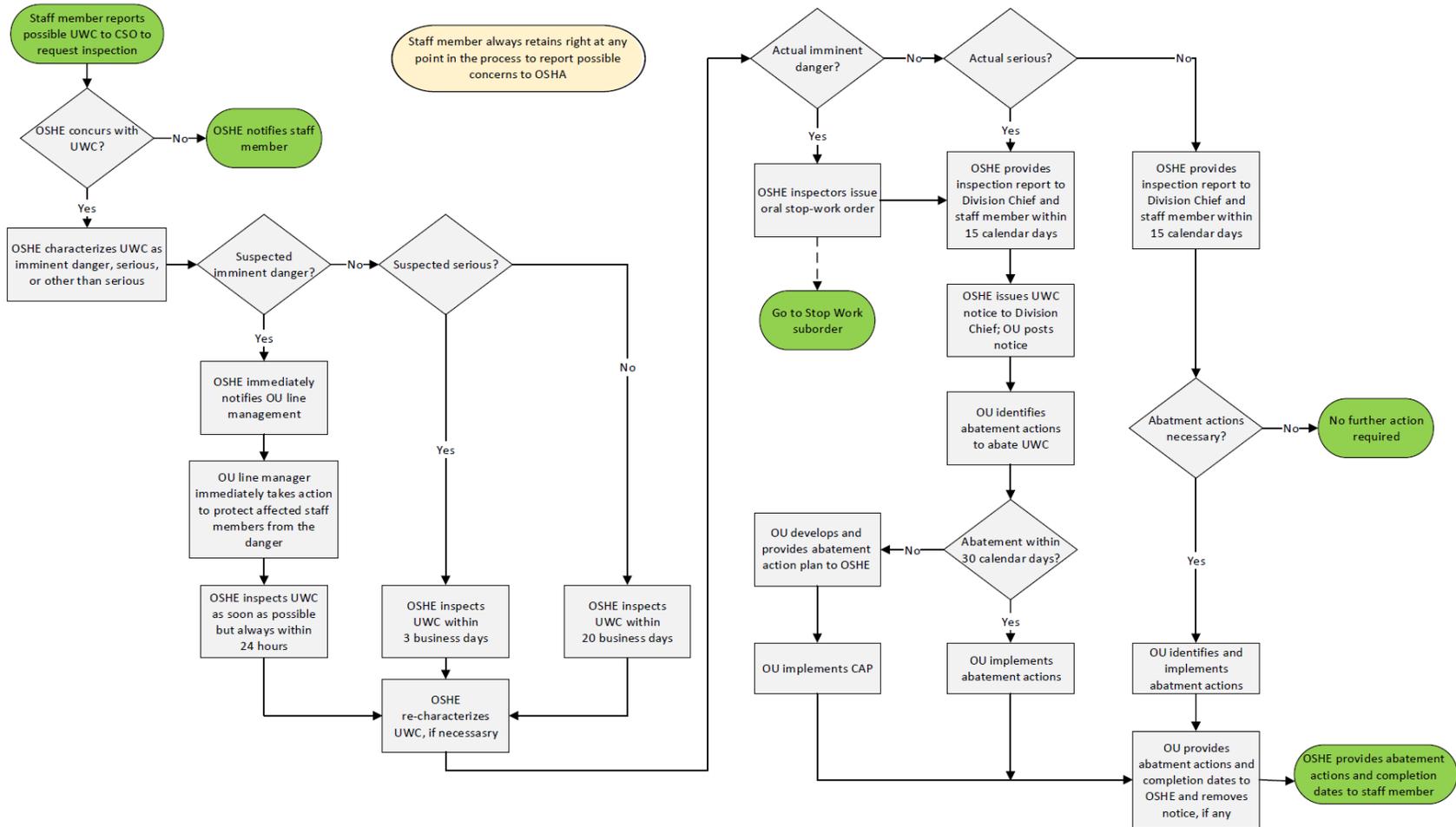
Version No.	Approval Date	Effective Date of Revision	Brief Description of Change; Rationale
1	10/2/14	NA	Initial Document
2	1/5/21	1/5/21	Updated suborder links.
3	04/02/2024	04/02/2024	<ul style="list-style-type: none"> <li>• Clarified applicability of the requirements as applying to both federal employee 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>
4	11/23/2024	11/23/2024	<ul style="list-style-type: none"> <li>• Replaced “corrective actions” with “abatement actions” throughout document.</li> <li>• Replaced “perceived” with “possible” throughout the document.</li> <li>• Modified Footnote 2 to indicate the ADMR is the DASHO and has delegated responsibilities to CSO.</li> <li>• Modified Section 10 to indicate the DASHO has delegated responsibilities associated with this directive to the CSO.</li> <li>• Added new Appendix D – form for OSHE to use to inspection UWCs</li> <li>• Added requirement to store records in NIST IT applications</li> <li>• Updated Appendix A Table, third column from “Responsible Party” to “Effective Date of Revision” and updated entries for Versions 1-3 as appropriate.</li> <li>• Editorial fixes</li> </ul>

393

## Appendix B. Flow Chart for Staff Member/Management Actions in Response to Possible UWCs



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



**Appendix D: OSHE Inspection of Possible UWC Template**

REPORT OF POSSIBLE UWC	
<b>Reporting Staff Member</b>	
Name: <input style="width: 250px;" type="text"/>	OK to disclose name? <input type="radio"/> Yes <input type="radio"/> No
Email Address: <input style="width: 250px;" type="text"/>	Telephone number: <input style="width: 100px;" type="text"/>
<b>How was report received?</b> (e.g., verbal, email, IT application; include date and time of contact)	
<input style="width: 100%; height: 20px;" type="text"/>	
<b>Description of Possible UWC</b>	
Location (e.g., campus, building, room, general location)	
<input style="width: 100%; height: 25px;" type="text"/>	
Description	
<input style="width: 100%; height: 100px;" type="text"/>	
Date and time first observed as possible UWC <input style="width: 150px;" type="text"/>	
OU responsible for the space (if known) <input style="width: 350px;" type="text"/>	
Did reporting staff member notify their line management? <input type="radio"/> Yes <input type="radio"/> No	
If yes, who was notified when?	
<input style="width: 100%; height: 40px;" type="text"/>	
Were any immediate measures taken to abate the UWC? <input type="radio"/> Yes <input type="radio"/> No	
If yes, what actions were taken, by whom, and when.	
<input style="width: 100%; height: 50px;" type="text"/>	
<b>Inspection required by OSHE based upon information provided?</b> <input type="radio"/> Yes <input type="radio"/> No	
If inspection not required, why?	
<input style="width: 100%; height: 40px;" type="text"/>	
If inspection required, initial risk/severity characterization based upon information provided.	
<input type="radio"/> <b>Imminent Danger</b> (immediate action required) <input type="radio"/> Serious <input type="radio"/> Other than Serious	

**Appendix D: OSHE Inspection of Possible UWC Template (cont.)**

OSHE INSPECTION OF POSSIBLE UWC
<p><b>OSHE Staff Member(s) Inspecting– lead listed first</b>  <div style="background-color: #cccccc; height: 15px; width: 100%;"></div></p> <p>Date of Inspection <div style="background-color: #cccccc; width: 150px; height: 15px; display: inline-block;"></div></p> <p>Description of Inspection  <div style="background-color: #cccccc; height: 60px; width: 100%;"></div></p> <p>Inspection Finding(s)  <div style="background-color: #cccccc; height: 60px; width: 100%;"></div></p> <p>Is it determined to be a UWC?   <input type="radio"/> Yes   <input type="radio"/> No</p> <p>If yes, type:   <input type="radio"/> Imminent danger   <input type="radio"/> Serious   <input type="radio"/> Other than serious</p>
<p><b>Actions</b></p> <p>If necessary, immediate abatement action(s) taken by OSHE:  <div style="background-color: #cccccc; height: 40px; width: 100%;"></div></p> <p>Is a Stop Work Order (SWO) required?   <input type="radio"/> Yes   <input type="radio"/> No</p> <p>If yes, description of SWO (what was communicated to who and when)  <div style="background-color: #cccccc; height: 25px; width: 100%;"></div></p> <p>If Imminent Danger or Serious, Notice of UWC was provide (to who, when, and where it was posted)  <div style="background-color: #cccccc; height: 30px; width: 100%;"></div></p> <p>Additional recommended abatement actions for OU responsible (what provided to who and when)  <div style="background-color: #cccccc; height: 45px; width: 100%;"></div></p>
<p><b>Documentation and Communication</b></p> <p>SELS ID: <div style="background-color: #cccccc; width: 150px; height: 15px; display: inline-block;"></div></p> <p>Communication provide to reporting staff member &amp; responsible line management (what, when, and how)  <div style="background-color: #cccccc; height: 45px; width: 100%;"></div></p>

**Appendix D: OSHE Inspection of Possible UWC Template (cont.)**

FOLLOW-UP FOR UWC	
<b>Completed abatement actions (action and closed date)</b> 	
<b>Did abatement actions remediate the UWC?</b>	<input type="radio"/> Yes <input type="radio"/> No
If no, what additional abatement actions are required? 	
<b>If required, has the Stop Work Order been lifted?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>If required, has the Notice of UWC been removed?</b>	<input type="radio"/> Yes <input type="radio"/> No
<b>Additional Comments</b> 	
Please upload this form in SELS when completed.	

## Appendix E. 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 unsafe 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 unsafe working condition and imminent danger determinations.

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

A serious unsafe 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.