

On approval of the Rules for investigation and recording of accidents and incidents at hazardous production facilities, technical investigation of cases of loss of explosives and products based on them

Unofficial translation

Order of the Minister for Emergency Situations of the Republic of Kazakhstan dated August 17, 2021 № 404. Registered in the Ministry of Justice of the Republic of Kazakhstan on August 20, 2021 № 24052.

Unofficial translation

In accordance with subparagraph 96) of paragraph 16 of the Regulation on the Ministry of Emergency Situations of the Republic of Kazakhstan, approved by Resolution of the Government of the Republic of Kazakhstan dated October 23, 2020 № 701, **I ORDER:**

Footnote. The preamble is in the wording of the Order of the Minister of Emergency Situations of the Republic of Kazakhstan dated 14.07.2023 № 382 (effective ten calendar days after the date of its first official publication).

1. To approve the Rules attached to this order for investigation and recording of accidents and incidents at hazardous production facilities, technical investigation of cases of loss of explosives and products based on them.

2. The Industrial Safety Committee of the Ministry of Emergency Situations of the Republic of Kazakhstan to ensure:

1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;

2) placement of this order on the Internet resource of the Ministry of Emergency Situations of the Republic of Kazakhstan;

3) within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, submission of information to the Legal Department of the Ministry of Emergency Situations of the Republic of Kazakhstan on the execution of the measures provided for in subparagraphs 1) and 2) of this paragraph.

3. To impose control over the execution of this order on the supervising vice minister of emergency situations of the Republic of Kazakhstan.

4. This order comes into force ten calendar days after the day of its first official publication.

*Minister of emergency situations of the
Republic of Kazakhstan Yu. Ilyin*

"AGREED":

Ministry of national economy of the
Republic of Kazakhstan

Approved by the order of the

The Rules

for investigation and recording of accidents and incidents at hazardous production facilities, technical investigation of cases of loss of explosives and products based on them

Chapter 1. General provisions

1. These rules for the investigation and accounting of accidents and incidents at hazardous production facilities, technical investigation of cases of loss of explosives and products based on them (hereinafter – the Rules) have been developed in accordance with subparagraph 96) of paragraph 16 of the Regulations on the Ministry of Emergency Situations of the Republic of Kazakhstan, approved by the decree of the Government of the Republic of Kazakhstan dated October 23, 2020 № 701 and establish the procedure for investigating accidents and incidents that occurred at hazardous production facilities, as well as the procedure for their accounting.

Footnote. Paragraph 1 - as amended by the Order of the Minister of Emergency Situations of the Republic of Kazakhstan dated 14.07.2023 № 382 (effective ten calendar days after the date of its first official publication).

2. The Rules apply the terms and their definitions in the meanings established by the Law of the Republic of Kazakhstan "On Civil Protection" (hereinafter – the Law).

Footnote. Paragraph 2 - as amended by the Order of the Minister of Emergency Situations of the Republic of Kazakhstan dated 14.07.2023 № 382 (effective ten calendar days after the date of its first official publication).

3. Investigation of accidents and incidents at hazardous production facilities is carried out by a commission, the composition of which is formed in accordance with Article 84 of the Law.

4. Technical investigation of cases of loss of explosives and products based on them is carried out jointly with the interested state bodies within their competence, similar to the procedure established by Chapter 15 of the Law and these Rules.

5. The term for the investigation of the accident is carried out no later than fifteen working days from the date of its appointment, the issue of extending the term for the investigation of the accident is carried out in the manner determined by Article 86 of the Law.

Chapter 2. Organization of the investigation

6. The chairman of the commission organizes work, distributes duties among the members of the commission, carries out work planning, determines the needs of the commission in transport, office space, means of communication, personal protective equipment to ensure the safe work of the commission.

7. The powers of the members of the commission for investigation are established in Article 85 of the Law.

8. By decision of the chairman of the commission, specialists may be involved in the investigation to carry out technical calculations, laboratory studies, tests, and examinations necessary for the investigation. Issues requiring an expert opinion are set out in writing. The materials of the expert commission, signed by all members, are submitted to the commission for investigation within the time limits established by the chairman of the commission.

Chapter 3. Conducting an investigation

9. The Commission establishes:

- adoption by the owner of a hazardous production facility of urgent measures to eliminate any impact of the consequences of an accident or incident;

- compliance with the actions of all services of the organization at the time of the occurrence and development of an accident or incident in accordance with the emergency response plan;

- the effectiveness of the measures provided for in the plan for the elimination of accidents;

- the consequences caused by the accident or incident, the sufficiency of measures taken to eliminate the consequences of the accident or incident.

10. Members of the Commission for investigation:

- conduct a survey of eyewitnesses, workers and other persons involved in the accident or incident;

- receive explanations of the victims;

- receive expert opinions;

- receive the results of laboratory studies and experiments;

- receive medical reports on the severity of injuries, damage to health, causes of death of the victims, the presence of signs of alcohol, toxic intoxication, poisoning;

- receive copies of documents confirming the fulfillment of industrial safety requirements, including verification of compliance with the instructions previously issued by state inspectors, instructions of production control persons;

- study documents characterizing the state of the accident or incident site, the presence of hazardous production factors and measures for their localization, neutralization (accounting, analysis, development of measures, their implementation);

- study journals, knowledge test protocols, curricula, examination tickets, acts of conducting training alarms and emergency response training;

- study the repair and maintenance documentation for the equipment of a hazardous production facility, necessary for the investigation;

- carry out photo and video recording of the place of the accident or incident;

- make plans, sketches, diagrams.

Chapter 4. Registration of the act of investigation

11. The results of the investigation are drawn up in the form of an act in accordance with Appendix 1 to these Rules.

12. The act of investigation is signed by the members of the commission. If a member of the commission refuses to sign the act of investigation, the chairman of the commission makes an appropriate entry in the act of investigation in the presence of the members of the commission. A member of the commission expresses his dissenting opinion in writing, which is attached to the act of investigation, before it is signed by the chairman of the commission.

Chapter 5. Materials of the investigation

13. The materials of the investigation contain:

- an order to appoint (create) a commission to investigate the causes of an accident or incident;

- an act of investigation of an accident or incident, to which the following is attached:

 - protocol of inspection of the accident or incident site, plans, diagrams, photographs;

 - sketch of the scene of the accident or incident;

 - order of the chairman of the commission on the involvement of specialists for technical calculations, laboratory studies, tests, examinations and activities on the issues related to the investigation of an accident or incident and the orders issued by the commission for investigation of an accident or incident;

 - conclusions of specialists about the causes of an accident or incident, the results of laboratory studies, experiments, analyzes;

 - internal reports from the operational staff of a professional emergency rescue service in the field of industrial safety or a professional facility emergency rescue service in the field of industrial safety;

 - protocols of interrogation and explanations of persons involved in the accident or incident, officials responsible for compliance with industrial safety requirements;

 - information about material damage as a result of an accident or incident;

 - certificates of training of production personnel and protocols for testing knowledge on industrial safety issues, acts of conducting of anti-accident exercise and training alerts;

 - medical reports on the nature and severity of damage to health (cause of death) of those injured as a result of an accident or incident;

 - certificates, extracts, conclusions characterizing the circumstances and causes of the accident or incident.

Chapter 6. Results of the investigation

14. Based on the collected documents and materials, the commission establishes the circumstances and causes of the accident or incident, determines the causal relationship of the

accident or incident with the activities of the owner of the hazardous production facility, determines the group of persons who violated the legislation of the Republic of Kazakhstan in the field of industrial safety, outlines measures to eliminate the consequences and prevent the recurrence of such accidents or incidents.

15. In the event of an accident due to design flaws in technical devices, the organization operating a hazardous production facility sends a complaint to the manufacturer, and a copy of it to the territorial subdivision of the authorized body in the field of industrial safety.

16. Control over the execution of the action plan to eliminate the consequences of an accident or incident and prevent such accidents or incidents is carried out by the territorial subdivision of the authorized body in the field of industrial safety.

17. Information about accidents and incidents is entered by the organization into the register of accidents and incidents in the form in accordance with Appendix 2 to these Rules. The correctness of their recording is ensured by the head of the organization.

18. An organization operating a hazardous production facility sends an act of the accident investigation and other materials by decision of the commission to the authorized body in the field of industrial safety and its territorial subdivision, as well as, if there are legal grounds, to law enforcement and interested state bodies.

Appendix 1
to the Rules for investigation and
recording
of accidents and incidents at hazardous
production
facilities, technical investigation of cases
of loss
of explosives and products based on them
Form

Act

of investigation of an accident or incident at hazardous production facility that occurred on
" ____ " _____ 20 ____.

1. Name of organization _____

information about the organization operating the hazardous production facility

(name and location of the legal entity, surname, name, patronymic

(if any), address of registration at the place of residence of an individual entrepreneur)

2. Name of the hazardous production facility, its location _____

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brief description of the organization, facility, site, accident or incident site

3. Composition of the commission:

Chairman of the Commission _____

(surname, initials, position (if any))

Commission members:

4. Causes and circumstances of the accident or incident _____

5. Information about the qualifications of the maintenance personnel (where and when he was trained in industrial safety, knowledge testing) _____

6. Organizational and technical reasons for the occurrence of an accident or incident, indicating the violated industrial safety requirements _____

7. Measures to be taken as a result of the investigation of an accident or incident, proposals for prevention of such accidents or incidents during the operation of a hazardous production facility, other information about the accident or incident by decision of the commission _____

8. Conclusion of the investigation and proposed measures of responsibility in relation to the persons who caused the accident or incident, indicating the requirements of regulatory documents that were not fulfilled or violated by this official and / or the direct contractor of the work, assessment of the actions of operational maintenance personnel at the time of the accident or incident _____

The investigation was carried out and the act was drawn up _____

(Day, month, year)

Appendix: investigation materials on _____ sheets

Dissenting opinion on _____ sheets

Signatures of the commission members: _____

Appendix 2
to the Rules for investigation and
recording
of accidents and incidents at hazardous
production
facilities, technical investigation of cases
of loss
of explosives and products based on them

[illegible]