OSHA Inspections
How to Prepare for and Handle Them

The best way to prepare for an OSHA inspection is to be in compliance. This requires daily monitoring of the physical workplace as well as the implementation of the safety and health programs. Specific individuals should be assigned this duty and held accountable.

1. A written procedure should be developed for receiving a Compliance Safety and Health Officer (CSHO). This procedure should clearly define actions to be taken, personnel to be notified, a request for credentials and give some information as to the expected behavior and questions a CSHO might ask. A copy of this should be included with this procedure.

2. If you have a general or main office, they should be notified when OSHA has arrived and is to conduct an inspection. Contact the foreman or crew leader.

3. Upon arrival the State or Federal OSHA Compliance Officer should ask to see the manager or the acting manager. Have the office staff handle the CSHO the same as any other visitor. The CSHO should sign the visitor register if you use one. If your register has a waiver of liability on it he/she may not sign it. In this case, the receptionist should enter the CSHO's name and other information on the log and initial the entry. Notify the manager.

4. The manager should take the CSHO into a private office or conference room and summon the other company personnel to be included, i.e. personnel/safety manager, operations manager, shop supervisor, employee representative, etc. One of these individuals should have been previously assigned the task of making detailed notes of the inspection. From this point on, it is important to be courteous, businesslike and cooperative. Stick to the facts. Don't speculate, draw conclusions, or widen any discussion. This is OSHA's inspection, let them do it.

The manager should then request per 29CFR 1903.7(a):

A. The inspector's identification and record this.

B. The name and address of the area director. If there is any doubt about the identity of the inspector, verify this immediately by calling the area director.

C. The nature of the inspection: random or employee complaint.

Choices
Random = let them in, get a warrant, request a different day
Complaint = let them in, get a warrant.

If it is a random inspection, ask the scope of the inspection.

(1) Is it a records check?
(2) Is a walk through inspection required?
(3) Will any industrial hygiene sampling be required?
(4) Will any photos be taken?

If sampling is to be done - respectfully request that duplicate samples be taken. This may require a rescheduling of the inspection to allow a company individual to arrive and do the duplicate sampling. A call to the main office may be necessary.

If photos are to be taken - you may want to use a confidentiality letter. Give the CSHO a copy and mail a copy, by receipt mail, to the area director.
If the inspection is based on an employee complaint - request to see it, copy it or hand write notes on the complaint items. In general, OSHA will let you copy it. In any event, they must tell you what the complaint items are. Note any factual errors at this time. OSHA will not identify the complaining individual without his/her permission. Ask what specific standard would be violated if the alleged condition existed. Be sure you understand the violation before continuing.

5. At this time you should be able to determine if a warrant for the inspection would be necessary. In general, this should not be required. You may want to determine ahead of time with legal counsel whether or not to ask for a warrant. If the decision is made to require a warrant, tell the CSHO that this is the Company's desire and immediately prepare a letter and give a copy to the CSHO before he leaves. Mail a copy to the area director by return receipt mail and send a copy to your legal counsel if you use one.

6. The first thing the CSHO will probably do is inspect the OSHA Log 300 and the accident investigation reports (OSHA Form 301 or equivalent). There should be an accident investigation report completed for every entry on the Log 300. The log must be up to date within 6 working days of the injuries/illnesses. For all entries the information must be complete. The CSHO has the right to request these records for the prior 5 years as well. These must be made available upon request. For prior years, the logs must have been totaled in every column even if zero. The required posting must also be shown. This is the part of OSHA 300 log to the right of the dotted line and is referred to as the summary.

The main purpose of this records check is to determine if the establishment has an occupational injury/illness problem as compared to the rest of the industry as well as to determine if any part of the establishment has a problem.

**ACCURATE AND COMPLETE RECORDS ARE A MUST**

The inspection could stop at this point if the CSHO is satisfied with everything. However, there will probably be at least a walk through inspection.

7. Assign at least one company representative to accompany the inspector. It is good practice to have personnel on the inspection who will be involved in correcting any violations. If more than one CSHO is doing the inspection, assign personnel on a one-on-one basis. Be sure to accompany the CSHO(s) at all times. An employee representative will probably be requested for the tour.

The CSHO will probably have the required personal protective equipment. If not, lend the proper equipment to the CSHO. Remember company policies regarding hearing protection, safety glasses, etc. Never permit an inspection to disrupt production. The CSHO will ask to see the OSHA poster. This should be posted in a place where all employees have an opportunity to see it. The CSHO will most likely consult with a number of employees while making the inspection. The OSHA Act says the CSHO has the right to "question privately" any employee. In general, this can be permitted. However, if there is a problem with this, as an employer you can require that this be done off premises and "off the clock". In the case of a complaint, the CSHO may request to talk to the complainant. This should be permitted, but only as far as the specific complaint. If an alleged condition is noted by the CSHO, ask exactly what standard is being violated and note this. Be sure you understand the exact condition and the standard.

Do not volunteer information. Be courteous and provide the requested information OSHA is entitled to by the law, but do not expand or reach a conclusion. Stick to the facts. This is OSHA's inspection. Let them do it. Any minor violations such as blocked aisle ways, fire extinguishers or other easily corrected condition should be taken care of on the spot. Today OSHA is taking a hard look at many items. Some of the most common are the following:
A. OSHA 300 Log -
Complete within six work days and each recordable case has its accompanying accident investigation report detailing the cause and corrective actions (OSHA 301 or equivalent). Five years of records must be available. Companies smaller than 10 employees do not have to fill out a log.

B. Written Safety Program - SHOW PROOF, BACKGROUND INFORMATION.
The CSHO will ask to see the written safety program. This manual should contain all the policies, procedures, and documentation on training, etc. to satisfy this requirement. Supplemental documents such as local safety rules, house rules, etc. are also part of the written safety program and should be included in this manual. Copies of these should be provided to the CSHO upon request only. A request for a copy of a policy or procedure should be tied to an alleged violation which the CSHO has noted. Do not provide the entire manual.

C. Hazard Communication
A complete chemical inventory and related MSDS sheets must be available in a binder that is organized in a manner that is easy for a person to retrieve an MSDS in an emergency. Training rosters should be complete and in this manual. Unions sometime train, but they do not get fined.

D. Lock and Tag Program
This must be completely implemented including the sketches, training and individuals locks for authorized employees.

E. Hearing Conservation
A survey of the facility must have been completed and the jobs identified that have more than an 85 DBA TWA (time weighted average) for 8 hours. Implementation of a hearing conservation program for affected employees including ear plug and/or muffs, training and audiograms.

F. Respirators
If required, no beards, fit testing completed and training done.

G. Confined Space Entry
The procedure must be implemented including permits and the use of the oxygen analyzers. The permit must be developed by the company and is an authorization and approval in writing that specifies the location and type of work to be done, and certifies that all existing hazards have been evaluated by the qualified person, and necessary protective measures have been taken to ensure the safety of each worker. A qualified person is defined by OSHA as a person designated by the employer, in writing, as capable (by education and/or specialized training) of anticipating, recognizing and evaluating employee exposure to hazardous substances or other unsafe conditions in a confined space. This person shall be capable of specifying necessary control and/or protective action to ensure worker safety.

H. Forklift Training Completed for All Operators Authorized verses Affected

I. Bloodborne Pathogens -
A procedure that outlines the proper steps involved in handling a blood exposure.

On the walk Around - If a condition is discovered that poses an immediate threat to safety, they may request immediate abatement.
Grinders must have work rests adjusted to 1/8" of the wheel and the tongue guard to within 1/4". Face shields must be provided and used.

- Ground prongs on electrical cords not cut off.

- Rotating parts of equipment such as couplings, belts, sprockets, and chains lower than 7 feet must be fully enclosed with a guard. (Including the back)

- Dock plates securely anchored so that they will not move when loading or unloading trucks.

- Wheel chocks in place on trailers that are being loaded or unloaded. Even if the trailer is attached to a tractor, using the tractor brakes as an anti roll device is not acceptable.

- Compressed gas cylinders chained up so that they will not fall over.

- No pallets standing on end.

- Oxygen/acetylene welding units not in use have the pressure drained to zero.

- All containers of materials that have MSDS sheets must have labels on them. Goods in transit must follow the DOT rules for hazardous materials and documentation.

- All electrical disconnects must be labeled showing what piece of equipment it controls.

- All flammable liquids stored in approved safety cans.

- Ladders in good repair. (ladder inspection)

8. At the conclusion of the inspection, the CSHO will request a closing conference. Most inspections last only a few hours, but some inspections could cover several days or weeks with several follow up visits. When the Conference is requested, have it in an office or conference room. You may refuse this if you wish, but it is usually beneficial to listen to the inspector's findings.

An employee representative may be requested for this conference. This is optional. If you refuse, the CSHO may have a separate conference, but once again you can have this held off premises and "off the clock". The closing conference is to listen to the findings of the CSHO. Fines are not assessed. The CSHO's are not arbiters. Care must be exercised to avoid arriving at "agreements" that would be difficult to meet or are understood by both parties.

The manager should lead the closing conference by asking questions of the CSHO such as: "What, if anything, did you observe during the inspection?" Ask the CSHO to state the specific standard that the alleged condition violates. Make sure he/she is clear about the condition and how it relates to the standard. You may ask for a suggestion on how to abate the condition since technically OSHA cannot issue a citation unless OSHA can demonstrate the feasibility of abatement and the likelihood that abatement will reduce or eliminate the hazard. If there is no suggestion ask to proceed with any other alleged violations. A good response may be, "Thank you. We will take that under advisement. Are there any other alleged violations?"

9. After the inspection, organize your notes on the OSHA inspection. You may want to write a report for other members of the company. You may also want to send a copy of your notes and/or report to your legal counsel. If there are violations in the workplace, you will receive a formal citation from OSHA within 180 days. The
citations will be specific and relate to specific standards. The citations will be rated on the gravity of the violation and categorized as "other", "serious", "repeat", "willful", "failure to abate" or "egregious" (flagrant). "Other" citations may not carry a monetary penalty while "willful" and above could carry $70,000 penalties for each occurrence. Abatement periods will also be stipulated.

Within 15 working days of the receipt of the citations you may request an informal conference. You may want to contact your legal counsel to discuss the merits of having a conference. In general, if large penalties are involved or abatement periods are too short these can be negotiated with the area director. The citations themselves are normally not negotiable unless there has been an error on OSHA’s part (repeat violations can carry severe penalties).

Lowering of Penalties - up to 30% on GOOD FAITH
up to 10% on FAVORABLE HISTORY
up to 10-40% on SIZE OF BUSINESS

Once the violations have been corrected and the fines paid, OSHA may come back to check for compliance. "Repeat" and above violations require a follow up inspection by OSHA shortly after the abatement period.