Surviving OSHA Inspections

“The nine most terrifying words in the English language are: ‘I'm from the government and I'm here to help.’”
~Ronald Reagan

OSHA Inspections
*Presenter Introduction

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OSHA Inspections
*Course Summary

- Preparing for Inspections
- Inspection Process
- Post Inspection Procedures

**OSHA Inspections
*Preparing for Inspections**

**Priority Category of Inspection**

1st Imminent Danger:
Reasonable certainty an immediate danger exists

2nd Fatality/Catastrophe:
Reported to OSHA; inspected ASAP

3rd Complaints/Referrals:
Worker or worker representative can file a complaint about a safety or health hazard

4th Programmed Inspections:
Cover industries and employers with high injury and illness rates, specific hazards, or other exposures.
OSHA Inspections
*Preparing for Inspections

- As of January 1, 2015…
  - Fatalities (within 8 hours)
  - Hospitalization of 1 or more workers (within 24 hours)
  - Amputations or loss of an eye (within 24 hours)
  - *State specific requirements

OSHA Inspections
*Preparing for Inspections

- OSHA may respond to complaints/referrals in the following ways:
  - Site Inspection
  - “Phone & Fax”

OSHA Inspections
*Preparing for Inspections

- Programmed Inspections
  - SST-11 and SST-14
  - NEPs and LEPs
  - SVEP
OSHA Inspections
*Preparing for Inspections

- Compliance Directives
  - OSHA “Playbooks” that can help to:
    - Build internal programs
    - Interpret OSHA regulations
    - Prepare for Inspections

OSHA Inspections
*Preparing for Inspections

<table>
<thead>
<tr>
<th>Document #</th>
<th>Directive Description</th>
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<tbody>
<tr>
<td>CPI 02-00-124</td>
<td>Multi-Employer Citation Policy</td>
</tr>
<tr>
<td>CPI 02-00-147</td>
<td>Control of Hazardous Energy</td>
</tr>
<tr>
<td>CPI 02-00-149</td>
<td>Severe Violator Enforcement Program</td>
</tr>
<tr>
<td>CPI 02-00-150</td>
<td>OSHA’s Field Operations Manual</td>
</tr>
<tr>
<td>CPI 02-00-158</td>
<td>Respiratory Protection</td>
</tr>
<tr>
<td>CPI 02-01-034</td>
<td>Steel Excision in Construction</td>
</tr>
<tr>
<td>CPI 02-01-050</td>
<td>Personal Protective Equipment</td>
</tr>
<tr>
<td>CPI 02-01-052</td>
<td>Workplace Violence Incidents</td>
</tr>
<tr>
<td>CPI 02-01-054</td>
<td>Roadway and Highway Construction Work Zones</td>
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<tr>
<td>CPI 02-02-388</td>
<td>Hazard Communication</td>
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<tr>
<td>CPI 02-02-069</td>
<td>Bloodborne Pathogens</td>
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<tr>
<td>CPI 02-02-070</td>
<td>Methylene Chloride</td>
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<tr>
<td>CPI 02-02-073</td>
<td>Emergency Response to Hazardous Chemical Releases</td>
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<tr>
<td>CPI 02-02-074</td>
<td>Chromium VI</td>
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<tr>
<td>CPI 03-00-007</td>
<td>Crystalline Silica</td>
</tr>
<tr>
<td>CPI 03-00-009</td>
<td>Lead</td>
</tr>
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OSHA Inspections
*Preparing for Inspections

- Internal Inspection Protocol
  - Access Policy
  - Participation
  - Roles
  - Info Request Policies
**OSHA Inspections**

*Preparing for Inspections*

- Inspection Tool Kits
  - Digital Cameras
  - Tape Measures
  - Notepads
  - Industrial Hygiene Equipment
  - Safety Program Info
  - Safety Related Documentation

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**OSHA Inspections**

*Inspection Process*

![Inspection Process Image]

- OSHA Inspector Arrival
  - No advance notice
  - Must present identification
  - Warrants
OSHA Inspections
*Inspection Process

- Opening Conference
  - Purpose/Scope of visit
  - Targeted vs. Comprehensive
  - OSHA Log Review
  - Attendees

OSHA Inspections
*Inspection Process

- Site Walkthrough
  - “Limited” to scope of inspection
  - May interview workers
  - Pictures, Measurements, etc.

OSHA Inspections
*Inspection Process

- Controlling
- Correcting
- Creating
- Exposing

Multi Employer Worksite Citation Policy
**OSHA Inspections**

*Inspection Process*

- **“Reasonable Care”**
  - Conducted **periodic inspections** of appropriate frequency
  - Implemented an effective system for **promptly correcting hazards**
  - **Enforces** the other employer's **compliance** with safety and health requirements with an effective, graduated system of enforcement and follow-up inspections.

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**OSHA Inspections**

*Inspection Process*

- Closing Conference
  - Discuss findings
  - “CSHO” vs. Area Director
  - Citations not issued at this time

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**OSHA Inspections**

*Post Inspection Procedures*

**POST INSPECTION PROCEDURES**

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OSHA Inspections
*Post Inspection Procedures

- Post Inspection
- Additional info requests
- Area Director issues citations
- Citation Package Mailed

OSHA Inspections
*Post Inspection Procedures

- Receipt of Citation Package
- Abatement of Hazards
- Posting Requirements
- Citations
- Expedited Informal Settlement Agreements

OSHA Inspections
*Post Inspection Procedures

<table>
<thead>
<tr>
<th>VIOLATION TYPE</th>
<th>PENALTY</th>
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<tr>
<td><strong>WILLFUL</strong></td>
<td>A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law. OSHA may propose penalties of up to $70,000 for each willful violation, with a minimum penalty of $5,000 for each willful violation.</td>
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<tr>
<td><strong>SERIOUS</strong></td>
<td>A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard. There is a mandatory penalty for serious violations, which may be up to $7,000.</td>
</tr>
<tr>
<td><strong>OTHER-THAN-SERIOUS</strong></td>
<td>A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm. OSHA may propose a penalty of up to $7,000 for each other-than-serious violation.</td>
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<tr>
<td><strong>REPEATED</strong></td>
<td>A violation that is the same or similar to a previous violation. OSHA may propose penalties of up to $70,000 for each repeated violation.</td>
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OSHA Inspections
*Post Inspection Procedures

- Severe Violators Enforcement Program
  - CPL 02-00-149
  - Willful, Repeat, Failure to Abate, "Egregious"

OSHA INSPECTION

Informal Conference
- 15 working day window for "Notice to Contest"
- Conducted by Area Director
- Inspector(s) likely to attend
- Know your "goals" in advance
**OSHA Inspections**
- *Post Inspection Procedures*

- Key Tips
  - Don’t be afraid, be prepared!
  - Know the regulations, the process, and your programs!
  - You’re not alone!

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- *Course Summary*

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**OSHA Inspections**
- "Questions??"

“The unknown is not what to be afraid of, it’s only when the unknown becomes known that one can decide whether to be afraid or not.”

— Markus Peterson