



# LIBERTY INSURANCE ASSOCIATES

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## Preparing for an OSHA Visit

Use the guidelines below to help prepare for an OSHA inspection.

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### What triggers an OSHA inspection?

An OSHA inspection can be triggered by any of the following:

- Planned inspection
- Complaint
- National/local emphasis program (lead, amputations, etc.)
- Site specific targeting program (high incident rate sites)
- Follow-up on a previous inspection
- Imminent danger
- Fatality

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### What comprises an OSHA inspection?

#### Recordkeeping

- OSHA log accuracy (from the last 5 years)
- 101/301 or first report of injury for every log entry
- Medical surveillance (hearing tests, respiratory, etc.)
- MSDS books/sheets

#### Documentation review

- Written safety compliance programs (HazCom, lockout/tagout, emergency procedures, etc.)
  - Development of the written program
  - Execution of the programs
- Employee training (orientation, refresher, attendance records, subject matter, etc.)

#### Site inspection

- Identify physical hazards
- Observe employee unsafe behavior
- Evaluate level of non-compliance with OSHA standards

#### Employee interviews

- Labor representative
- Rank and file
- Management

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## What should I do if OSHA wants to inspect my worksite?

- Provide a room with privacy for the inspector
- Examine the inspector's credentials
- Ask for the purpose of the inspection (complaint, etc.)
- Determine how you will handle the inspection
  - Buy time: require the inspector to leave and obtain a warrant, or ask the inspector to come back the next day because you are busy (depends on how much time you need)
  - Let the inspector in to proceed with the inspection, accompanied by appropriate personnel
- Inform appropriate production personnel (managers, supervisors) of the imminent inspection; advise them to quickly tour their areas and make "last minute" improvements (e.g. housekeeping, PPE, etc.)
- Someone who is familiar with your written programs, as well as the facility, should accompany the inspector at all times to ensure questions can be answered appropriately
- If the inspector identifies any "quick fix" items, have them taken care of immediately, or at least by the time the inspector returns again
- Take before-and-after photographs of every improvement made
- If the inspector takes photographs or video, consider doing the same concurrently
- If the inspector conducts noise or air monitoring, consider doing the same concurrently
- Take good notes during the post-inspection conference; the inspector's comments are likely to be items that might show up in citations

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## What are OSHA's violation classifications?

- Willful violation (maximum \$70,000)
- Repeat violation (maximum \$70,000)
- Serious violation (maximum \$7,000)
- Other than serious violation (maximum \$7,000, can be \$0)

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## Why might OSHA write a citation and assign a \$0.00 penalty?

OSHA often assigns a \$0.00 penalty in order to write a large number of citations without it being unrealistically expensive for you. However, this is typically only done one time; if OSHA finds the same violations in the future, they may cite you for a "willful" or "repeat" violation and assign a penalty up to \$70,000.

Be sure to start with a clean slate. All violations from previous inspections should be cleared, or you may be assigned large penalties.

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## What should I do if I receive citations following an OSHA inspection?

- Pay the citations
- OSHA may offer a reduction in the penalty if they feel the inspection otherwise went well; they'll ask you to agree to pay the penalty early in order to pay the discounted penalty
- If you strongly disagree with one or more citations, send OSHA a letter of "notice to contest" within 15 days of the inspection; prepare to go to court
- Use the "informal conference"
  - This is one of the most common responses
  - Meet with the OSHA area director within 15 days of receiving the citations
  - Enables you to challenge the citations and penalties without going to court
  - Regardless of the outcome, you give up your right to officially contest your citations