

Is Your Company Ready For An OSHA Inspection?



Inspections can happen at any time, they can be at the request of the employer, an employee or even a third party. As a result of these inspections, you may be subject to significant OSHA Citations, civil liability, and even criminal penalties may apply. As a business owner, it important to prepare for an inspection so to minimize the costs. You can ask for an OSHA compliance inspection of your site and the dept will come in and list out issues without fines and you will know what to fix / change.

We understand contractors & business owners are often extremely busy. So, to make it easier, we have put together these tips to help make compliance easier for you in the event of an inspection. Being prepared means that you know your rights and responsibilities as an employer which will be critical to prevent or reduce fines. You want your employees to go home the same way they came in. Safety if No accident and do everything you can to prevent them. This information is designed to help employers prepare for an inspection by anticipating common issues. We also have free forms and templates on our website for download to help your company with compliance.

1. Being prepared for the inspection. OSHA typically arrives unannounced to inspect a worksite or when a serious accident or fatality has occurred. An OSHA inspector will always advise you that an inspection is taking place, what the issues may be, they will always carry ID, ask if a company representative would accompany them, and will ask for a pre-inspection meeting. Being proactive during an inspection by addressing the inspector's concerns may persuade OSHA not to issue citations. OSHA is obligated under the OSH Act to perform a "reasonable inspection".
2. An employer should designate a principal contact person to act as OSHA's main contact during every inspection to control the flow of information so that at the end of the inspection, the employer knows exactly what information OSHA has gathered. This contact person can also provide the documents as issues arise; i.e. air monitoring data, safety manual, emergency action plan, etc... OSHA should be instructed to submit all written document requests to this contact person.
3. OSHA has the right to conduct a walk around inspection of the worksite. The walk around should be treated as an interview because OSHA will hold an employer accountable for anything its representatives may say even if it's casual conversation. The representative must also pay close attention to the concerns OSHA raises and areas of particular interest to OSHA. Watch what you say and listen to what they say!
4. OSHA's primary purpose in conducting an inspection is to gather evidence of violations. If the inspector advises you of a problem or issue during the inspection try to correct the issue or problem on the spot! Most inspectors are on the ball, don't BS them. At the time of the inspection the employer should ask the Compliance Officer to:
 - a) Identify the type of inspection to be conducted
 - b) State the reason and scope of the inspection

5. Types of OSHA inspections: A Compliant Inspection is the most common type of inspection. Compliant inspections result from a formal complaint filed by a current or former employee. OSHA is only obligated to conduct an inspection when a current employee files a formal written complaint. Imminent Danger inspection resulting from the presence of a danger which could “reasonably be expected to cause death or serious physical harm immediately”. Fatality / Catastrophe Inspection resulting from a report of a fatality or the hospitalization of three or more employees. Referral Inspection resulting from a referral from another government agency, a complaint by a third party such as neighbor or a media story.

6. Inspectors have the right to talk to any and all employees, volunteers, contractors, etc... Do not interfere with this process. Open communication is key to solving problems. A compliance officer does not have the right to enter and inspect a facility unless the employer consents or OSHA obtains a warrant. Compliance Officers may have brief conversations with employees during the walk thru however extended interviews can interfere with production so the employer can arrange for a scheduled meeting with OSHA and the employee. The employee’s only obligation during the OSHA interview is to show up and tell the truth. The employee is not required to sign a statement or allow to be recorded. If the employee decided to sign a statement he/she is entitled to a copy of it upon written request to OSHA.

7. Under certain OSHA standards an employer is required to provide certain documents upon request. Failure to disclose can be a violation. Here are some of the required documents OSHA can require to see: Injury and Illness Logs, Hazardous Communication Programs, Lockout / Tagout, Fall Protection Programs, Medical Records, Air Monitoring Data, and more. The compliance officer may request additional documents that were not requested during the inspection. They may request to see documentation of the safety training records, OSHA 300 log, respiratory programs, and lost time records. It’s always best to ask the Compliance Officer to submit

document requests in writing as this will allow the employer to carefully consider what is being requested by OSHA. Written document requests also help eliminate confusion because there is a record of what OSHA requested. OSHA is permitted to gather documents that give an overall picture of the business's safety program.

8. Post Inspection Procedures: After the inspection is completed the compliance officer will hold a closing conference that includes an employer representative. The purpose of the closing conference is to inform the parties of possible OSHA violations. If the employer desires to present a defense then the closing conference can be used for that purpose. Otherwise the employer can choose to simply listen to the compliance officer's list of potential violations. The penalties will depend on the type of violation. After the citations are issued OSHA will offer to hold an informal conference to reach a settlement agreement. If no settlement agreement is reached at the informal conference, the employer may accept the citations as written, remedy the hazards and pay the penalty.
9. Good communication is the goal, this helps to reduce fines and citations. It's important to understand OSHA's concerns early in the inspection process. The employer's goal is to prevent a citation from being issued in the first place because it's a lot more difficult to convince OSHA to withdraw a citation once it's issued. That way the employer can provide information that may help convince OSHA not to issue fines or at least to minimize the citation.
10. Are you going to require legal representation? The need to obtain an attorney will depend on the individual circumstances. Each inspection is different. A routine inspection does not generally arise from a serious injury so it may be handled without an attorney. In the event where there is significant liability possible such as a serious injury or employee fatality the employer is recommended to have an attorney directly involved during the OSHA inspection.

About us..... At Contractors Training Institute, LLC and its divisions Lead Renovator Training, LLC, Michigan Builders Training, LLC, & Builders Con-Ed, LLC we are dedicated to helping builders and contractors with Builders Classes, Environmental Classes (Asbestos, Lead, & Mold), and Safety Classes and other compliance products. We truly believe that the right training can help you build a better project and have a safer environment at work.

We provide online classes available 24/7 and offer quality training by experienced instructors for our onsite classes. We are a licensed school in Michigan for builders education and EPA approved trainer for lead and asbestos. Our areas of training include Builders Pre-License classes, Builders Con-Ed classes, Lead Abatement & Asbestos Abatement classes, Lead & Asbestos Inspectors classes, EPA RRP Certified Renovator Classes, OSHA Safety classes, Insurance Industry Con-Ed, Real Estate Con-Ed, and a wide variety of online continuing education classes to better equip contractors to increase their knowledge in different facets of their business and increase safety. Our goal is to continually develop and expand our product offering of safety manuals & forms for contractors that are user friendly yet compliant with OSHA and EPA.

To learn more about our products and services, we invite you to visit our website:

www.ContractorsTrainingInstitute.com

www.LeadRenovatorTraining.net

The purpose of this document was designed to be informative by providing employers with useful tips to help minimize the employer's liability that may result from an OSHA inspection and should not be considered legal advice.

You can always contact your OSHA Dept for help and answer questions.

If you feel you need an attorney don't hesitate to contact such counsel to help protect your firm.



Contractors Training Institute, LLC & Lead Renovator Training, LLC

www.ContractorsTrainingInstitute.com ~ www.LeadRenovatorTraining.net

