

# What to do When the OSHA Inspector Comes

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**Key Words:** OSHA, inspection, guidelines, compliance, safety, health, CSHO

**Abstract:** Mr. Krug will present the general guidelines that a CSHO (Compliance Safety and Health Officer) uses when he/she conducts an OSHA inspection. These general inspection procedures are not all-inclusive. For example, they do not address procedures related to Special Emphasis Programs. For detailed inspection procedures, the Field Inspection Reference Manual and the OSHA Directives System must be consulted. The general guidelines are divided into Pre-inspection, Inspection, and Post-inspection categories.

## Introduction

The following are general guidelines for a CSHO (Compliance Safety and Health Officer) to use when conducting an OSHA inspection. They do not address procedures related to Special Emphasis Programs and may not be all-inclusive. For detailed inspection procedures, consult the Field Inspection Reference Manual and the OSHA Directives System.

## PRE-INSPECTION

1. Review establishment files and appropriate reference sources.
2. Check to see if there are previously issued citations that have not received a follow-up inspection.
3. Review pertinent standards and sampling methods.
4. Select appropriate instruments and equipment (includes calibration).
5. Have necessary report forms, handouts, and personal protective equipment.

NOTE: When responding to significant events with potentially catastrophic consequences, follow procedures outlined in CPL 2.94.

## INSPECTION

### Entry

1. Present credentials to owner, operator, or agent in charge. At multi-employer sites, ask general contractor to identify other contractors on site.
2. Determine if employees are represented. If so, ensure that employee representative(s) is given the opportunity to participate in all phases of the inspection.

### Opening Conference

3. Explain the purpose of the inspection and obtain the employer's consent to include the employee representative. If applicable, provide a copy of the complaint to the employer and the employee representative.
4. Determine if the employer is participating in a voluntary compliance program [7(c)(1) or VPP]. If so, the employer may be exempt from programmed inspections.
5. Determine whether the employer is covered by a legislative exemptions or limitations of the current Appropriations Act.
6. Outline scope of the inspection, including private employee interviews, physical inspection of the workplace and records, possible referrals, discrimination complaints and the closing conference.
7. Obtain information for OSHA forms completion.
8. Determine if employees of other employers are on site.
9. Ascertain that employee representative is authorized to enter any trade secret area.

### Review of Records

10. For health and selected safety inspections:
  - Obtain process flow charts and plant layouts.
  - Where applicable, conduct an examination of workplace records (e.g., monitoring data, audiometric test results, ventilation tests, etc.).

- Determine if applicable exposure and medical records are maintained.

11. For Injury and Illness Records:

- Review records required by 1904 (OSHA-200's, 101's or workers' compensation forms).
- As appropriate, calculate LWDI. Provide and explain LWDI to employer and employee representative.
- Determine if posting requirements are met (i.e., OSHA Poster, OSHA-200 in February, citations and PMA's).

15. Examine other records directly related to the inspection, as necessary.

**Walkaround**

16. During the Walkaround:

- Identify potential safety and health hazards in the workplace.
- Conduct inspection so as to eliminate or minimize personal exposure to hazards.
- Record all facts pertinent to apparent violations and bring the apparent violations to the attention of the employer and employee representative

**Safety and Health Program**

17. Evaluate to see if program:

- is written,
- provides for management commitment and employee involvement; worksite analysis for the purpose of hazard identification; hazard prevention and control measures; and safety and health training,
- includes all programs required under applicable OSHA standards (hazard communication, lockout/tagout, hazardous waste, etc.),
- addresses full range of potential hazards present in the workplace.
- For health inspections, also evaluate (where applicable):
  - monitoring,
  - medical,
  - recordkeeping,
  - engineering, work practice or administrative controls, and pep,
  - regulated areas,
  - emergency procedures

18. Observe employees' activities and interview employees.

19. Take photographs and/or videotapes.

20. Offer appropriate abatement assistance, discussing how workplace hazards might be eliminated.

21. For guidance on fatality and catastrophe inspections, see CPL 2.94 and CPL 2.113.

22. If fatality investigation, compile a list of accident victims and next-of-kin. Follow procedures in the FIRM for contacting family members and keeping them informed of the inspection results.

23. If apparent egregious violations are found, follow procedures outlined in CPL 2.80.

24. If apparent violations of laws enforced by other agencies are found, refer to the appropriate agency, using Regional procedures

**Closing Conference**

25. Hold a joint closing conference, where possible.

26. Describe apparent violations and other pertinent issues to employer and employee representative. Obtain input for abatement dates and note employer's comments.
27. If all pertinent information is not available during the first closing conference, notify employer that a second closing conference will be held.
28. Advise employer and employee representative of their right to participate in subsequent conferences and their contest rights.
29. Advise employee representative:
  - If employer contests, employees have the right to party status before the Review Commission;
  - Employer must notify employees:
    - if a contest is filed,
    - of 11(c) rights,
    - of the right to contest the abatement date.

## **POST-INSPECTION**

15. Conduct necessary research, complete appropriate forms and finalize case file.
16. For initial abatement dates in excess of 30 calendar days, document the reason in the case file, if it is not self-evident.
17. When high gravity serious violations are to be cited, obtain national inspection history within the same two-digit Sic code to support repeated violations.
18. The CSHO may issue citations that may be accompanied by penalties.