

## Steps to take before, during, and after an OSHA inspection



John Gambill, Peter D. Welin | Thursday, July 30, 2020

Everyone involved in a construction project has a responsibility to take precautions to avoid injuries. The precautions that an employer takes will not only help avoid injuries, it will also help limit citations in the event of an injury or Occupational Safety and Health Administration (OSHA) inspection, and can help limit the severity of any citations that do result in the event of an inspection. Below are steps that an employer should take before, during, and after an OSHA visit.

### **Before OSHA calls:**

- Designate a specific individual or team to be responsible for safety programs.
- Secure copies of applicable safety standards.
- Establish written safety training for all employees on a regular basis.
- Keep documentation of everyone who attends training programs.
- Establish a new-hire orientation program that includes safety training.
- Follow up on employees' recommendations.
- Make sure employees have and use safe tools and equipment and properly maintain this equipment.
- Establish safety rules, issue them to employees, and **CONSISTENTLY ENFORCE THEM**.
- Conduct your own periodic safety inspections to ensure workplace conditions conform to applicable standards.
- Establish written hazard communication procedures and maintain current material safety data sheets

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in an accessible area.

- Keep a binder handy with all documentation and reports related to site and activity.
- Make sure you are aware of particular State requirements that may be in addition to what Federal OSHA requires.
- Train onsite supervisors and personnel on what to do when OSHA arrives.

### **What to do during an OSHA inspection:**

- Review the inspector's credentials when they arrives. They should have a Department of Labor card bearing their photograph and a serial number.
- Be polite but succinct.
- The inspector may talk to any employee, if the employee consents, so long as it doesn't substantially impair the employee's job performance.
  - Employees may refuse to be interviewed or may choose to have another employee present.
  - Manager level employees always have a right to have a corporate representative present during an interview.
- The inspector may take measurements, photos, written notes, etc.
- You have the right to have a representative of the employer accompany the inspector.
  - Your employer representative should feel free to take notes and ask questions during the inspection.
  - **If the inspector starts writing something, ask what they are writing. If the inspector spots an apparent violation, ask them to describe it to you at that time. In each instance, record the inspector's comments and responses to questions.**
  - The employer representative should carry a camera to take pictures of the worksite at the time of the inspection, with the goal of duplicating what the inspector takes pictures of.

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- The record you create may be crucial to contesting any citations that may issue later!
- Designate a single point of contact for providing documents that are requested.
- Closing conference:
  - The inspector should meet with the employer and any designated representative after the inspection.
  - Use this opportunity to ask questions about the nature of any violations found (including complete identification of the standard allegedly violated by title, part number and paragraph number).
  - Try to determine the type of violations allegedly found. Ask whether the inspector will recommend a “willful,” “serious,” or “other than serious” classification. If you have been inspected before, ask whether the inspector will recommend a “repeat” classification. If the inspector thinks there is imminent danger, you will be required to abate the hazard immediately.
  - Make sure you agree to practicable abatement deadlines.
  - Do not try to discuss fines or penalties at this time. OSHA will LATER examine several factors in determining the amount of any fine to be levied.
- Remember: Your general attitude throughout the inspection may impact the number of citations issued, the classifications of their severity, and the amounts of any fines.

### **What to do after an OSHA inspection:**

- OSHA will send copies of any citations issued as result of the inspection. Time periods vary, but issuance can be no more than 6 months after the closing conference.
  - Options on how to handle citations:
    - Pay the fines and commence abatement.
    - Petition for modification of abatement.
    - Request an informal conference.

- Appeal the citation(s).
- Contest the citation(s).
- Judicial review.

- You only have 15 working days (3 weeks) to challenge any citations. If you delay, you lose your opportunity to contest them.
- Fines are also due within 15 days after you receive the citations, unless you contest them.

**Remember:**

- As of January 1, 2015, all employers must report to OSHA:
  - All work-related fatalities within 8 hours
  - All work-related in-patient hospitalizations, all amputations and all losses of an eye within 24 hours
- Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA.
- For an in-patient hospitalization, amputation or loss of an eye, these incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident.
  - OSHA defines “in-patient hospitalization” as a formal admission to the in-patient service of a hospital or clinic for care or treatment. Treatment in an emergency room only is not reportable.



**John Gambill**

Team member bio



**Peter D. Welin**

Team member bio