



Preparing for an OSHA Visit

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

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

What comprises an OSHA inspection?

Recordkeeping

- OSHA log accuracy (3 years plus current year)
- 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

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)

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.

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

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- 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
- Make your case to eliminate the citation altogether, reduce the severity of the citation classification, reduce the penalty amount, or revise something about the abatement (time or content)

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