

# Eastern Shores SHRM'S &

DELMARVA- AMERICAN SOCIETY OF SAFETY PROFESSIONALS (ASSP)

**“Handling of an OSHA inspection”**

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We believe  
in a **better**  
chicken.™

# How does Human Resource play a role?

- **Factors?**
  - Depends on the size of your organization;
  - Size of your location;
  - Safety support staff – (present or open position)
  - Do you use a safety consultant?
- **Expectations?**
  - Do you have a defined role in the process?
  - Are you expected to be involved?
  - Are you handling the whole process?



# Pre-plan for an OSHA Inspection (Federal or State)

- First, determine your organization's legal position with the agencies.



(Cooperative, Foe or Guarded Business Professional)

- Work with your companies Safety Professionals (where applicable) or Legal Council for policy development.



# OSHA Inspection Protocol

- The purpose of this process/policy is to ensure correct handling of an OSHA inspection.
- OSH Act grants representatives the right to inspect (OSHA, EPA & USDA) at any time.
- Inspections must occur at reasonable times during the work day, within reasonable limits, and in a reasonable manner.
- Your Sr. Mgmt. or HQ is to be notified of all inspections and correspondences received immediately.



# OSHA Inspection Types

- **Imminent Danger – 1<sup>st</sup> priority**
  - reasonable certainty that a danger exists expected to cause death or serious physical harm immediately
- **Catastrophes and Fatal Accidents – 2<sup>nd</sup> priority**
  - Accidents with hospitalization of 1 or more
  - Must be reported by the employer within eight hours of the accident.
- **Employee Complaints or Referral – 3<sup>rd</sup> priority**
  - Approximately 1/3 of all investigations
  - a written complaint by a current employee.
  - serious hazards are inspected within five days
  - other-than-serious conditions - 30 working days





# OSHA Inspection Types

- **Programmed Inspection**
  - Aimed at specific high health risk industries and occupations (e.g. the poultry industry / construction)
  - injury-incident rates, previous citation history employee exposure to toxic substances, or random selection
  - Poultry industry is on the programmed list
- **Follow-up Inspections**
  - Verify that hazards have been corrected.
  - If an employer has failed to abate a hazard "failure to abate" alleged violations often result in additional penalties which are typically 10 X the original penalty.



# OSHA Inspection Types

- **Records Review**

- examination of the employer's injury-and illness records
- determine whether there will be a comprehensive inspection of the
- reviews the OSHA 300 log of recordable injuries and illnesses
- Let review of programs on site, get list of programs and send later



# Greeting the Inspector

- OSHA compliance inspector will identify themselves and present an identification card.
- Guard/receptionist - immediately notify the supporting Safety Manager, HR Manager and Operations Manager
- The guard should ask the inspector to wait at the gate or waiting area until given direction by site management on where to take the compliance officer.
- SLOW DOWN – THERE IS NO HURRY





# Greeting the Inspector

- An OSHA compliance officer carries the U.S. Department of Labor credentials
- Your company should require the credentials be verified by calling the nearest OSHA office



# Opening Conference

- OSHA inspector must hold an opening conference
- Inspector will state the basis and scope of the inspection, including any standards that apply.
- Perdue will be given a copy of an employee complaint, if applicable.
- Your management must carefully review these documents to ensure the inspection remains within the limits of the inspector's authority



# Opening Conference

- Inspector may request other information
- Prior to the OSHA site inspection, plant management, the safety manager and maintenance should do a walk-through safety review prior to compliance officer
- Do NOT provide information or documentation unless requested by the compliance officer.



# Activities prior to walkthrough

Someone should do a quick walk-through review:

- Close all doors and access doors;
- Secure maintenance gang boxes or cabinets;
- Check maintenance repair tools ( i.e. drill presses and grinders – make sure the guarded correctly and mounted)
- Make sure all chemical containers are labeled.
- All guards are secured.



# During the Inspection

- The inspector should never be left alone. They must be accompanied at all times.
- They should be based in a conference room away from the plant floor.
- Police the area for any documentation
- Safety/HR Manager or management representative must perform the same activities (measurements, photos, notes)
- Always take the compliance officer the most direct route to the area(s) **THIS IS NOT A TOUR!**
- Your company is not obligated to demonstrate the operation of any machinery or processes.



# During the Inspection

- If a safety violation occurs during the inspection, it should be corrected on the spot
- Normal disciplinary policy should be used subsequent to the inspection.
- OSHA can interview employees to the extent that such discussions do not interfere too greatly with the performance of work
- Your company is entitled to inform the employee if they want a member of your management to attend during the interview process
- NO Sidebar discussions in the area of the OSHA rep!!!





# During the Inspection

- Do not offer to open doors or show OSHA other areas of the facility unless directly requested
- All documentation requested by OSHA needs to go through the Safety/HR Manager/Legal
- All documents will be copied and logged before being provided to the compliance officer.
- Be cautious about volunteering information. Never grasp at an opportunity to put yourself or your company in a good light. Count your words carefully.



# Categories of violations OSHA Uses

- **Willful Violation**: A violation that the employer knowingly commits, or commits with plain indifference to the law and made no reasonable effort to eliminate it.
  - Penalty \$25,000 to \$132,598.
- **Repeat Violation**: More of the same item or the same type of item (e.g. missing machine guarding)
  - Penalty to \$ \$132,598 (typically 10 x the original fine)
- **Serious Violation**: A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard (e.g. machine guarding)
  - A mandatory penalty of up to \$13,260 for each



# Categories of violations OSHA Uses

- **Other Than Serious Violation:** A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. (e.g. lack of training/documentation or valid SOP's)
  - up to \$7,000



# Outside Contractors

- All onsite service contractors affected by the OSHA inspection must be notified of the inspection and have their company management representative on-site.
- Contractors who are on-site as part of a project must be notified and requested to leave the premises if the inspection does not directly affect them.



# Closing Conference

- After the inspection, The OSHA officer will conduct a preliminary closing conference with your company
- During the conference, the inspector will advise of any potential violations , observations, citations
- Proposed OSHA violations anticipated to be cited should be discussed in full to ensure proper understanding and correct interpretation. **DON'T ARGUE**
- Your company personnel participating in the closing conference should be careful with any comments that might be taken as admissions of violations at issue.
- No specific proposed penalties are indicated at this time; only the OSHA area director has that authority.



# In Closing

- **Be proactive:**
  - Understand your companies position with OSHA
  - Have a plan ahead of time
  - Train those impacted on the plan
  - If you have responsibility for Safety, get involved & knowledgeable with your safety process
  - Continue your professional development by attending session like today's to become a better professional
  - Don't be afraid to reach out for help when needed
  - You got this!

