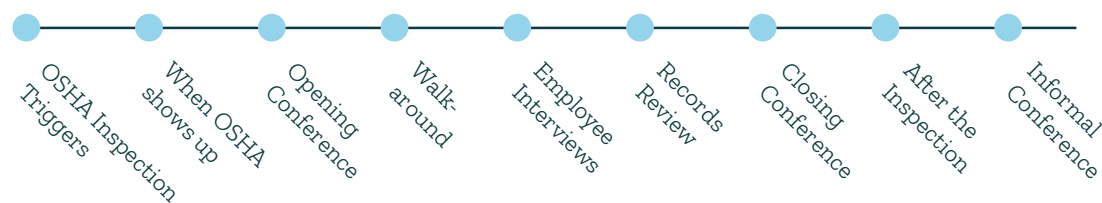


How to Survive an OSHA Inspection Cheat Sheet

Knock, knock, knock. It's the visit that every organization finds intimidating. An Occupational Health and Safety Administration (OSHA) inspector has shown up unexpectedly. To protect your employees and your business, you'll need to do OSHA's job before they can. But what can you expect during their visit? And what should you do when an inspector from OSHA shows up?

Use KPA's OSHA Inspection Cheat Sheet to prepare for an unexpected visit and mitigate your organization's risk. Or, learn how you can start protecting your business today through [KPA Flex](#).



What Can Trigger an OSHA Inspection?

- ♦ A "Programmed Inspection" may occur due to random selection
- ♦ An employee submits a complaint
- ♦ There may be an imminent danger at a facility
- ♦ A reported fatality occurred
- ♦ A reported hospitalization, amputation, or loss of an eye has occurred
- ♦ A referral was received from a government agency or the media
- ♦ A follow-up inspection is needed to ensure previously identified citations were addressed
- ♦ The facility is a part of a targeted industry which is a part of a regional emphasis program campaign
- ♦ This could also be a follow up inspection to a past visit



When OSHA Shows Up

What to Expect

- ♦ Advance notice is typically not given
- ♦ You'll be visited by a Compliance Safety & Health Officer (CSHO)
- ♦ Generally, CSHOs are either trained in a field of safety, such as general industry, or industrial hygiene
- ♦ When they arrive, the CSHO must first contact the owner representative, operator, or agent in charge
- ♦ CSHOs are authorized to enter without delay during regular work hours
- ♦ If no one is there that's in charge, they give you about an hour to contact the owner before they count it as a refusal
- ♦ Your organization does have the right of refusal. However, the denial will be documented, and the OSHA representative will most likely be back later with a search warrant

Tips for Success

- ♦ If an owner, operator, or agent in charge is not present, get there as quickly as possible. This is a sign of good faith and will help in informal conferences
- ♦ In general, it's best to avoid your right of refusal unless there's a very good reason—like having no management on site
- ♦ Before OSHA comes, have a plan in place. Educate your employees on their roles and how they should communicate with the OSHA representative
- ♦ If you are working with a third-party safety consulting firm, now is the time to contact them

Opening Conference

What to Expect

- ♦ The CSHO must conduct an opening conference where they explain the nature, purpose, and the scope of the inspection
- ♦ They must present their OSHA ID card
- ♦ They will let you know which records they would like to review
- ♦ They will explain if they're doing any testing, monitoring, and/or sampling

Tips for Success

- ♦ Be nice! Attitude is everything
- ♦ If OSHA requests records, only provide those that they request. Don't volunteer all the records you have on file
- ♦ Have a predetermined process in place for an OSHA inspection. Instruct one employee to tell the rest of your site that there will be an OSHA inspection happening and to act accordingly



*Only provide
records that
are requested.*

During the Walkaround

What to Expect

- ♦ The CHSO is required to bring apparent violations to the attention of the employer/representative at the time they are documented

Tips for Success

- ♦ Accompany the CHSO during their entire walkaround
- ♦ If possible, limit the area of investigation to only what's necessary based on the scope of their inspection
- ♦ Protect your trade secrets if you have them. You can request proof that the CHSO needs to be in the area where trade secrets are held
- ♦ The CHSO is allowed to take photographs and videos—and so are you. This may come in handy to prove that a citation is an isolated incident rather than a facility-wide problem
- ♦ Take notes, ask questions, and don't volunteer unnecessary information
- ♦ Repair small violations immediately—on the spot if possible
- ♦ Thoroughly explain your facility's processes. Remember that OSHA inspectors are not always knowledgeable across all industries. Provide appropriate context to avoid confusion or unnecessary fines
- ♦ Stay on top of housekeeping activities that can cause accidents, like spills
- ♦ Make sure there is clear access to emergency equipment like fire extinguishers and eyewash stations
- ♦ Ensure employees are wearing the correct personal protective equipment
- ♦ Ensure employees know how to access Safety Data Sheets (SDS)
- ♦ Ensure employee know how to access written safety programs including emergency response and hazard communication plans

Employee Interviews

What to Expect

- ♦ The CHSO is allowed to interview a “reasonable number” of employees
- ♦ Employees may be interviewed individually or in a group
- ♦ Employers are not allowed to be present at the majority of interviews but an “authorized employee representative” can be there
- ♦ If managers are interviewed, the employer is permitted to attend

Tips for Success

Before an OSHA visit...

- ♦ Tell your employees to answer the CHSO’s questions respectfully and honestly
- ♦ Put a plan in place to identify an “authorized employee representative”. This employee representative must be chosen by the employees
- ♦ Teach your employees to look out for OSHA “baiting” for a wrong answer. If employees are uncomfortable or unsure about how to answer a question, they can request that their supervisor be present during the remainder of the conference
- ♦ Never try to intimidate employees to be deceptive or dishonest during an interview. The truth will be discovered

Records Review

What to Expect

The CHSO will likely look for records of the following:

- ♦ Record of employee accidents through OSHA 300/300A logs or other relevant means
- ♦ Personal Protective Equipment Hazard Assessment
- ♦ Labor law posters hung in a high traffic, visible area
- ♦ Hazard Communication Program
- ♦ Emergency Action Plan
- ♦ Training records
- ♦ Equipment inspection documentation

Tips for Success

- ♦ Only provide records that are requested
- ♦ Keep a record of what OSHA copies
- ♦ If you don’t have what the CHSO needs, fax or email the record within 24 hours

Closing Conference

What to Expect

- ♦ The CHSO will describe the apparent violations to you, recommend corrective actions, and let you know of any deadlines
- ♦ If you had sampling done and they have the results available, they need to provide them to you. If samples require lab work, you'll receive those results later

After the Inspection

What to Expect

- ♦ Citations will be issued within six months
- ♦ After receiving a citation, you must respond that all items have been abated or submit a notice of contest to the citations within 15 days
- ♦ You must post the citation at or near the area of alleged violations
- ♦ Your citation(s) will be classified as Other-Than-Serious, Serious, Willful, Repeated

Tips for Success

- ♦ If a citation is received, it is generally recommended to choose the option of having an informal conference

Informal Conference

What to Expect

- ♦ You can hold the informal conference at an OSHA office or over the telephone
- ♦ Typically, the conference will be carried out with the Area or Assistant Area Director
- ♦ The host will proceed through the citations one at a time, in order
- ♦ You will be expected to present your argument and/or abatement

Tips for Success

- ♦ Your facility's highest level of management should attend, as well as any managers who were directly involved
- ♦ If the citation has some truth to it, take ownership, give context, and ask for a reduction in penalty and/or severity
- ♦ The issue can be settled at that time, or you still have the option of submitting Notice to Contest

Type of Violation	Penalty
Serious	\$16,131 per violation
Other Than Serious Posting Requirements	
Failure to Abate	\$16,131 per violation
Willful or Repeated	\$161,323 per violation



Can Your Organization Pass an OSHA Inspection?

KPA's certified consultants keep your workforce compliant with OSHA standards. Our Risk Management Consultants will visit your facility to identify potential environmental and safety risks and help you determine the necessary actions to meet OSHA requirements. These on-site audit and inspection services will make your workplace safer while helping you avoid regulatory fines and legal actions.

KPA's workplace compliance software, KPA Flex, will help your organization identify, remedy, and prevent EHS issues. KPA Flex provides you with the tools you need to capture, track, investigate, and resolve incidents, accidents, and near-misses.

*Learn how KPA helps you save time, save money and protect your business at www.kpa.io or call **866.356.1735**.*