



Be prepared for OSHA!

Patric E. McCon, CSP, CFPS, CHMM
Sr. Risk Engineering Consultant
Zurich Services Corporation
Risk Engineering

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Today's discussion



- preparing your facility for an OSHA compliance inspection;
- managing the inspection when (not if) it happens;
- what to do after the inspector leaves;
- how to reduce the odds of inspection.

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OSHA visits are never fun – not even when you've invited them in. You can reduce the pain, though.

In this presentation we will discuss:

- Preparing your facility for an OSHA compliance inspection;
- Managing the inspection when (not if) it happens;
- What to do after the inspector leaves;
- How to reduce the odds of inspection.

Why does OSHA show up?



- catastrophe
- complaint
- programmed inspection
 - http://www.osha.gov/as/opa/foia/hot_11.html
- invitation

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WHY DOES OSHA SHOW UP?

Catastrophe – fatality or multiple hospitalizations (call within 8 hours)

- Employee complaint – or complaint from someone else
- Programmed inspection (are you on the ‘bad boy’ list – ‘Site-Specific Targeting’?) - based upon data you provided (Data Collection Initiative) -
http://www.osha.gov/as/opa/foia/hot_11.html
- Invitation (Cooperative program e.g. VPP)

Preparing the facility



- aspects to examine:
 - written programs
 - training
 - recordkeeping
 - physical conditions

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PREPARING THE FACILITY

Aspects to examine:

- Written programs
- Training
- Recordkeeping
- Physical conditions

Preparation - written programs



- include but not limited to:

- BBP
- HazCom
- respiratory protection
- hearing conservation
- lockout
- confined spaces

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WRITTEN PROGRAMS

Required programs may include (not an exhaustive list):

- BBP
- HazCom
- Respiratory Protection
- Hearing Conservation
- Lockout
- Confined Spaces

Preparation - training (see OSHA 2254)



- fire extinguishers
- care, use, limitations of ppe, respirators, earplugs
- HazCom
- specific toxics (Subpart Z)
- powered industrial trucks
- electrical safety related work practices
- others



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TRAINING REQUIREMENTS INCLUDE (see OSHA 2254) **PICTURE IN PUBLIC DOMAIN**

- Fire extinguishers
- Care, use, limitations of PPE, respirators, earplugs
- HazCom
- Specific toxics (Subpart Z)
- Powered Industrial Trucks
- Electrical Safety Related Work Practices
- others

Preparation - recordkeeping



- OSHA Log
- OSHA 301 or equivalent
- exposure records
- training records
- medical records

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RECORDKEEPING

- OSHA Log
- OSHA 301 or equivalent
- Exposure records
- Training records
- Medical records

Preparation - physical conditions



- commitment to housekeeping and maintenance
- machine guarding
- fall protection
- illumination
- order
- sanitation
- signage
- safety equipment
- ppe enforcement

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PHYSICAL CONDITIONS

- Commitment to housekeeping and maintenance
- Machine guarding
- Fall protection
- Illumination
- Order
- Sanitation
- Signage
- Safety equipment
- PPE enforcement

They're at the door!



- **managing the inspection**
 - there will be no advance notice
 - the employer has rights
 - the employees have rights

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MANAGING THE INSPECTION

There will be no notice unless you've invited the inspection.

The employer has rights; the employees have rights.

Managing the inspection



- invite them in or ask for a warrant?
- ask for identification – call to confirm
- ask the scope
- marshal the troops
- be nice!

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MANAGING THE INSPECTION

1. Invite them in or demand a warrant?
2. Ask for identification – they expect you to.
3. Ask the reason for/scope of the inspection
4. Make them comfortable while you marshal the troops and clean the place up
5. Be nice!

Managing the inspection – opening conference



- listen lots, talk little
- paperwork request/review
 - provide documents that are required
 - defer requests for other documents
- be nice!

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MANAGING THE INSPECTION

Opening conference

Don't volunteer information – listen, don't talk. Answer only direct questions. 'Yes' and 'No' are good answers.

Paperwork request/review

- provide documents that are required to be kept under OSHA regulations
- defer requests for documents that are not required by regulations (you may decide later to provide them, but don't jump in)

Be nice!

Managing the inspection – the physical inspection



- who goes along?
- how do they get there?
- take notes
- take photos
- take measurements
- employee interviews
- fix things
- be nice!

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MANAGING THE INSPECTION

The Physical Inspection

- Who should go along?
- Take the 'path of least resistance' – even if it's a long and winding road
- Take notes
- Take photos
- Take measurements
- Employee interviews without disruption
- Fix things as you find them
- Be nice!

Managing the inspection – the closing conference



- ask questions, but don't argue
- listen!
- take notes
- don't make promises or commitments
- be nice!

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MANAGING THE INSPECTION

The Closing Conference – usually days after the inspection

- Ask questions, but don't argue
- Listen!
- Take notes
- Don't make promises or commitments
- Be nice!

After the inspection



- #1 – fix what was found before the citation arrives
- when the citation comes:
 - review it
 - post it
 - request an informal conference
 - file Notice of Intent to Contest if you wish



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AFTER THE INSPECTION (Picture is in public domain)

#1 – Fix what was found before the citation arrives! Document your corrective actions – photos (before/after), work orders, purchase orders, receipts, etc. Shows good faith.

When the citation arrives:

- Review it to make sure you're working on everything that was found
- Post it at each violation area for 3 working days or until corrected, whichever is longer
- Abatement certification documents – abatement plans, progress reports, etc. – must also be posted
- Immediately request an informal conference with the Area Director (in writing)
 - Must be held within the 15 business days allowed for filing Notice of Intent to Contest – does not extend the Notice filing deadline
 - Review citation items, gravity, penalties, abatement, alternative resolution
- If you still want to formally contest, file Notice within 15 business days
 - First step = Administrative Law Judge
 - Second step – Full OSHRC
 - Third step – US Circuit Court of Appeals

Employee rights



- representation at opening/closing conferences
- representation during inspection
- private interviews with CSHO
- whistleblower protection

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EMPLOYEE RIGHTS

- Representation at opening/closing conferences and appeals
- Private interviews w/CSHO
- Whistleblower protection

Reducing the odds



- **one approach:**

- participate in OSHA voluntary programs – VPP, etc.
- reduces odds of ‘programmed’ inspections

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REDUCING THE ODDS OF AN INSPECTION

One approach – participate in voluntary OSHA programs – VPP, etc.

These programs are good, but shouldn't be entered into just to try to eliminate inspections.

This approach only reduces the odds of ‘programmed’ inspections

This option may be less available with the new Administration – they do not favor the ‘cooperative’ programs as much as previous administrations

Reducing the odds



● a better approach:

- management commitment
- effective EHS process
- employee engagement
- clean, well-maintained workplace
- employees with a high level of satisfaction

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REDUCING THE ODDS OF AN INSPECTION

A better approach:

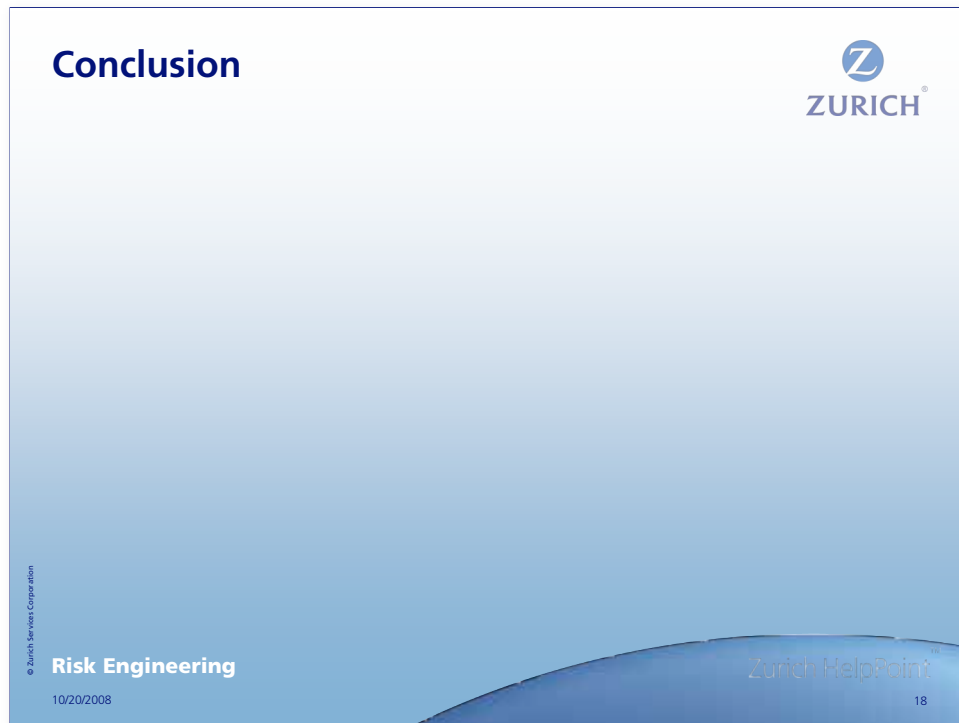
Elements:

- Management commitment
- Effective EHS process
- Employee engagement
- Clean, well-maintained workplace
- Employees with a high level of satisfaction

This approach will keep you off the OSHA 'bad boy' list by reducing frequency and severity, and reduce employee complaints to OSHA

This approach will also result in 'unintended consequences' – improved productivity, quality, yield and environmental stewardship

ALL OF THIS IS UNDER THE CONTROL OF MANAGEMENT!



Conclusion

An OSHA inspection is often the result of system failure

A good safety management system, as part of a good management system in a good cultural environment, will move you toward 'zero injuries' and reduce the risk of OSHA issues

Questions/comments?



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Thanks!



- pat.mccon@zurichna.com
- 330-274-2302

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