



Ultimate **Risk** Services
SAVINGS THRU SAFETY & SECURITY



Helpful Hints for Finding Your Way Through an OSHA Inspection



ADVANCED PREPARATION:

1. **Maintain clear records of your safety compliance efforts.** Examples of relevant documentation would be accident/ incident reports, injury and illness records, written safety plans/programs, lockout/tagout procedures, medical records (audiometric testing, medical exams, etc.) exposure records (chemical exposure, noise exposure, etc.), past inspections and corrective action reports, hazardous chemical list, respirator fit test records, as well as employee training records.

Ensure that acknowledgement pages are signed indicating that responsible parties and/or employees have read and understood the contents.

2. **Obtain a digital camera** to take photographs during the walk-around inspection.
3. **Centralize all pertinent documentation and keep them organized**, so they can be accessed easily.
4. **Designate a trained, competent person to represent your company** and accompany an OSHA Compliance Officer (inspector) during an inspection. Instruct the receptionist to inform the designated representative when an OSHA inspector arrives.
5. **Inform employees of what to expect.** During an OSHA inspection, the inspector will consult with a reasonable number of employees concerning safety and health matters in the workplace. Employees should be instructed to **be cooperative, and not hostile**. They should **answer questions honestly and fully**, but not volunteer information.
6. **First impressions are important. Keep a well-maintained building (inside and outside).** Conduct your own unannounced in-house inspections periodically; document and correct deficiencies. Focus on housekeeping, blocked exits, fire extinguishers, and personal protective equipment as well as the frequently cited standards for your industry group such as machine guarding or unlabeled chemical containers.

In addition, mark entrances and parking areas with clear signage. Eliminate any obvious hazards in plain view outside the facility.

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INSPECTION PROCEDURES:

1. The receptionist should **escort the OSHA inspector to a conference room or other semi-private area** and promptly contact the designated company representative.
2. **Check the inspector's credentials** bearing a photograph and serial number with the nearest OSHA office.
3. During the opening conference, **the inspector will explain the nature, purpose, and scope of the inspection, and indicate the records to be reviewed.** If the inspection was triggered by an employee complaint, he/she will provide a copy of the complaint, but not the name of the employee.

Note: For complaint-driven inspections, provide the inspector payroll records to verify the complaint came from a current employee. If the employee that posed the complaint is *not* a current employee; OSHA will only send a list of all alleged complaints and ask for a response or a corrective action. **OSHA is only permitted to perform a site inspection if the person is currently employed.**

4. **Answer questions honestly and fully.** Do not volunteer information or admit noncompliance.
5. **Inform the inspector that your company works with an outside safety consulting firm.** When time permits, call the ACS corporate office at 800-55-HELPS or contact your ACS Account Manager directly. We can assist you either over the telephone, or when feasible, on site.
6. **Inspectors will routinely review the current and prior 3 years' 300 logs and annual summaries of injuries.** They will also check to ensure the OSHA poster is in place, as well as for written safety plans/programs including: hazard communication, lockout/tagout (with specific procedures), emergency action, fire prevention, bloodborne pathogens, respiratory protection, and hearing conservation as applicable.

Note: Usually, most businesses with ten or fewer employees do not have to keep an OSHA 300 log. Some low hazard businesses with more than ten employees are also exempt.

DURING THE "WALK-AROUND" INSPECTION:

1. **The inspector will walk-around the facility and look for violations of specific OSHA regulations, point out any unsafe or unhealthful working conditions, and discuss possible corrective actions.** The inspector may take noise level readings, collect air samples, take photographs, observe engineering controls and confined spaces, etc.

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The designated representative should accompany the inspector at all times, except when he/she asks to speak with an employee or someone else in private. **Unless they are performing a full site inspection, only take the inspector through requested areas.**

For requests to interview employees that are not part of the planned scope of the walk-through, arrange for a private conference room or private office. This will eliminate the potential for the inspector to observe additional violations.

2. During the walk-around inspection, **take notes and photographs on what is seen, discussed and photographed by the inspector**, particularly departments or equipment inspected, approximate times spent in various areas and the individuals who were interviewed. The inspector is required to keep all information pertaining to company rights or trade and industry secrets concealed. (You may request a copy of any photographs or video footage taken during the inspection.)
3. **Whenever possible, correct any small violations immediately** (right in front of the inspector). This demonstrates good faith in compliance and may reduce any associated proposed penalties.
 - For example, throw away worn out or damaged cords, fix a broken handrail, readjust grinding wheel work rest, replace guards on machinery, move materials to make electrical panels accessible, replace bulbs in burned out exit signs, etc.
4. **Depending on the scope, the inspection may last anywhere from a few hours to several days** (requiring several follow-up visits).

AFTER THE INSPECTION:

1. During the closing conference, **the inspector will discuss all non-compliant conditions identified and violations for which you may be cited**. If any violations were corrected on the spot, it is essential that the inspector states that it was abated before he/she leaves the premises with date, time, place and a witness present.
2. The inspector will not indicate any proposed penalties as penalties are determined by the area director. Within a few weeks, **OSHA will send you a notice of violations and the citations that accompany the violations** (this could take up to six months). **Abatement dates will be provided to advise you of when all violations should be corrected. Please send a copy to ACS.**
3. You must **post a copy of each citation received at or near the place in which the violation occurred**. It must remain there for 3 days or until the violation is abated, whichever is longer.
4. **Correct all violations as quickly as possible and document all corrective actions** (i.e., photograph or videotape of the abated condition, copy of an invoice or sales receipt for equipment used to achieve abatement, etc.).

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5. If there are violations that cannot be corrected within a few days (for example, getting employees medically evaluated, trained, and fit-tested in respirators), depending on the citation, **you may be able to request an extension to the abatement date**. Usually a 30 to 60-day extension is feasible.
6. **You may request an informal hearing in an attempt to reduce or eliminate any fines or extend abatement deadlines**. It is important to request the informal hearing within 15 days of the date you receive the citation notice. This also protects your right to formally contest any of OSHA's findings. This informal hearing can be a physical meeting or a telephone call. ACS can assist you in this process (we have helped numerous clients substantially reduce their penalties).
7. **In the citation letter, OSHA may offer you a "special discount" to settle without an informal hearing**. You do *not* lose this reduction by pursuing an informal hearing; if you have good reasons to argue the circumstances, your penalties can be reduced even more at the informal hearing.
8. If you cannot reach a satisfactory settlement during the informal hearing, **you may formally contest any citation (within 15 days of receiving the OSHA citation notice)**. Prior to the case actually being heard before an administrative law judge, you will have the opportunity to negotiate with a lawyer representing OSHA. Generally, you will retain any concessions from OSHA that were reached during the informal hearing and you can often improve your position.

Feel free to contact us @ 800-55-HELPS/610-755-0728
if you have any questions or need assistance before, during or after an inspection.

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