

2016 Pulp and Paper Safety Association Annual Conference

ARE YOU PREPARED TO HANDLE AN OSHA INSPECTION?

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Introduction

- What impact does OSHA's recent regulatory and subregulatory activity, enforcement strategies and programs have on the handling of an OSHA inspection?
 - The stakes are higher.
 - The agency is more aggressive.
 - So taking and keeping control of the inspection and its scope are more critical than ever.

Preparing for an OSHA Inspection

- Insure the house is in order as best you can.
 - OSHA's 2015 Top Ten Most Frequently Cited Violations
 1. 1926.501 – Fall Protection (C)
 2. 1910.1200 – Hazard Communication
 3. 1926.451 – Scaffolding (C)
 4. 1910.134 – Respiratory Protection
 5. 1910.147 – Lockout/Tagout
 6. 1910.178 – Powered Industrial Trucks
 7. 1926.1053 – Ladders (C)
 8. 1910.305 – Electrical, Wiring Methods
 9. 1910.212 – Machine Guarding
 10. 1910.303 – Electrical, General Requirements

Preparing for an OSHA Inspection (cont'd)

- Records up to date: 300 Logs; LO/TO certification; training/records; SDSs/chemical inventory; PSM MOCs; medical surveillance; etc.
- Training
- LO/TO procedures (minor servicing)
- Lift truck refresher
- Confined space identification/labeling/procedures/permits
- PSM audits
- Clean rooms clean
- Don't forget the lab/R&D.

Preparing for an OSHA Inspection (cont'd)

- Walk-around (low-hanging fruit)
 - Guarding
 - Housekeeping
 - PPE use
 - Aisles/exits
 - Electrical panels
 - HazCom labeling/portable containers
 - Signage (e.g., confined space, mezzanine/storage)
 - Ladders – good repair

Do's and Don'ts During an Inspection

- OSHA cases – can't be won during inspection, but can be lost.
- Keys
 - Preparation
 - Training
 - Execution

Do

- Take control of the inspection from the outset.
- Don't allow the inmate to run the asylum.
- The COSHO is your guest; let him/her know.
- COSHO must follow the rules – work, safety (PPE), etc. -- or else.

Do

- Be civil.
- Kindergarten
- Polite and firm

Do

- Require a warrant?
 - The process
 - “Fire in the eyes syndrome”
 - Upsides and downsides
 - Decide on policy in advance; be flexible.
- Negotiate timing or scope of inspection if necessary.

Do

- Get information and ask questions.
 - What's the reason for the inspection -- the scope?
 - How long does/do the COSHO/s intend to be there?
 - What does/do the COSHO/s intend to do – video, air sampling, noise sampling, employee interviews, ...?
- If the COSHO won't cooperate?

Do

- Choose the “right” people to participate.
 - Not Genghis Kahn
 - Safety Director
 - Safety Committee
 - Union/employee representative
- Who chooses?
 - COSHO
 - Company
 - Union

Do

- Accompany the COSHO at all times.
- Photos
- Videos
- Sampling
- Interviews
 - Managers/supervisors
 - Rank-and-file

Do

- Follow a detailed OSHA inspection checklist; create it beforehand.
- Cover these do's and don'ts.
- Be sure all those who will be involved in OSHA inspections have copies and have been trained on it.

Do

- Make the inspector explain everything until you fully understand.
 - No stupid questions
 - Don't pretend to know more than you do.
- Allow inspection *only* after you understand fully – before and during.

Do

- Get copies of all records which OSHA relies on/references.
 - Complaint
 - Referral
 - Emphasis program list/document
 - Interpretations/directives

Do

- Go through with the COSHO any OSHA standard s/he references.
 - Make sure s/he knows it, can point to specific provisions at issue.
 - Don't pretend to know more than you do.
- Challenge where appropriate.

Do

- Document everything concerning the OSHA inspection.
- Caution: documenting employee witnesses' identities.

Do

- Notify higher management when you are unsure how to proceed.
- It's okay to tell the COSHO to wait.

Do

- Keep list of documents/records requested by COSHO during inspection.
- Tell COSHO to keep list (or that you will) and that you will collect all requested at end of day/next day and provide as promptly as possible.
 - NOTE: Certain documents must be produced within prescribed times under certain OSHA standards.

Don'ts

- Don't allow inspection to proceed until you have reviewed your detailed OSHA inspection checklist and followed the procedures.
- Don't allow the inmate to run the asylum.
- Don't allow the inspection until you understand basis, purpose and scope – and agree scope is reasonable.

Don'ts

- Don't give too much information.
- Explain v. volunteer
- Balance

Don'ts

- Don't provide access to records or work areas which are not permitted by Company policy.
 - Privacy
 - Clean rooms
- Identify trade secret operations/processes.

Don'ts

- Don't panic; when you are unsure about something, simply inform the COSHO that you will have to get back to him/her.
- If an inspector challenges your position, explain that your actions are mandated by Company policy and you do not have authority to vary from this policy.
- Don't over-argue a point: Make it; support it; let it go.

Don'ts

- Don't try to win the case in the inspection stage.
- Back to Introduction above.
- “Challenge” does not = “escalate”.
- Kindergarten

Don'ts

- Don't let the COSHO leave without telling you what's next.
 - Coming back?
 - Interviewing (more) employees?
 - Closing conference?
- Don't let COSHO leave without telling you what his/her impressions of/conclusions of the day are.
 - Apparent violations
 - Imminent issues
 - Positives

Thank You!

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