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 that 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
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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