2016 Pulp and Paper Safety Association Annual Conference

# ARE YOU PREPARED TO HANDLE AN OSHA INSPECTION?

#### **Eric E. Hobbs** Ogletree, Deakins, Nash, Smoak & Stewart, P.C.



#### 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
    - 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



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# 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.



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# 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



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# Do's and Don'ts During an Inspection

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



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- 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.





- Be civil.
- Kindergarten
- Polite and firm



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- 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.





- 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?





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



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



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- 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.





- 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.



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





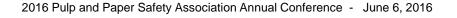
- Go through with the COSHO any OSHA standard s/he references.
  - Make sure s/he knows it, can point to specific provisions at issue.
  - Don't pretend to know more than you do.
- Challenge where appropriate.



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







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



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



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



- 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!

#### **Eric E. Hobbs**

Ogletree, Deakins, Nash, Smoak & Stewart, P.C. 1243 North 10<sup>th</sup> Street – Suite 210 Milwaukee, WI 53205 (414) 239-6414 Email: eric.hobbs@ogletreedeakins.com www.ogletreedeakins.com



