

 PRESENTED BY
BOB HEATER, CSP
SAFETY 4U, LLC

OSHA'S INSPECTION PROCEDURE – 8 STEPS



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1

FARMERS
INSURANCE
EXCHANGE

“WE KNOW A THING OR TWO BECAUSE WE’VE SEEN A THING OR TWO”

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2

“I KNOW A THING OR TWO ABOUT OSHA INSPECTIONS BECAUSE I’VE SEEN A THING OR TWO”

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3

WHAT YOU'LL LEARN:

- The 8 steps a compliance safety and health officer (CSHO) takes before and during an OSHA inspection.
- The 10 most cited OSHA violations of FY2019.
- 13 records/documents that most employers cannot produce during an OSHA inspection.

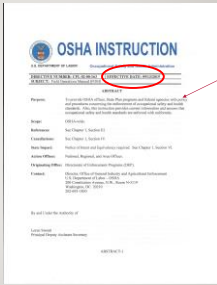
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OSHA'S FIELD OPERATIONS MANUAL (FOM)



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OSHA'S FIELD OPERATIONS MANUAL (FOM)



...policy and procedures concerning the enforcement of occupational safety and health standards.

6

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7

WHY DO COMPANIES FEAR THE DAY WHEN OSHA SHOWS UP AT THEIR DOOR?

- Not necessarily because they feel that they have something to hide.
- There is simply a lack of understanding of what an employer should do during an OSHA inspection.

7

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8

WHY DOES OSHA CONDUCT INSPECTIONS?

- To determine if employers are complying with standards issued by the agency for safe and healthful workplaces.
- Inspections are conducted by OSHA Compliance Safety & Health Officers who are trained in the OSHA standards and in the recognition of safety and health hazards.

8

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9

THE MAIN THING YOU SHOULD KNOW AS AN EMPLOYER

The poster includes the following text:

OSHA's Mission: To ensure that every worker goes home safely and healthily every day.

OSHA's Authority: OSHA is authorized to inspect and cite employers who violate OSHA standards. OSHA can also issue orders to stop work that is dangerous to the health or safety of workers.

OSHA's Role: OSHA is responsible for enforcing OSHA standards. OSHA can issue citations and penalties for violations. OSHA can also issue orders to stop work that is dangerous to the health or safety of workers.

OSHA's Services: OSHA provides free information and training to employers and workers. OSHA also provides technical assistance to employers and workers.

Contact OSHA. We can help.

1-800-368-5848 (TDD) | 1-800-368-5848 | www.osha.gov

9

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CAN THE COMPANY REFUSE TO LET THE COMPLIANCE OFFICER IN?

- Yes, you have the right to refuse to let the compliance officer inspect your premises. However,

10

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TYPES OF INSPECTIONS



- A. Imminent danger
- B. Fatalities and severe injuries
- C. Worker complaints/referrals
- D. Targeted inspections - Local Emphasis Program (LEP), National Emphasis Program (NEP), particular hazards or industries
- E. Follow-up Inspections

11

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CHAPTER 3 – INSPECTION PROCEDURE

OSHA FIELD OPERATIONS MANUAL (FOM)

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12

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8 STEP INSPECTION PROCEDURE

1. Inspection Preparation & Planning
2. Inspection Scope
3. Conduct of Inspection
4. Opening Conference
5. Review of Records
6. Walkaround Inspection
7. Closing Conference
8. Special Inspection Procedures

13



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I. INSPECTION PREPARATION & PLANNING *

- A. Review of inspection history
- B. Review of cooperative program participation
- C. Safety and health issues relating to CSHOs
- D. Advance notice of an inspection

14

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I. INSPECTION PREPARATION & PLANNING *

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15

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REVIEW OF INSPECTION HISTORY

- A. All data available at the area office
- B. Inspection history nationwide

16

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A TALE OF ONE CITY: TWO COMPANIES



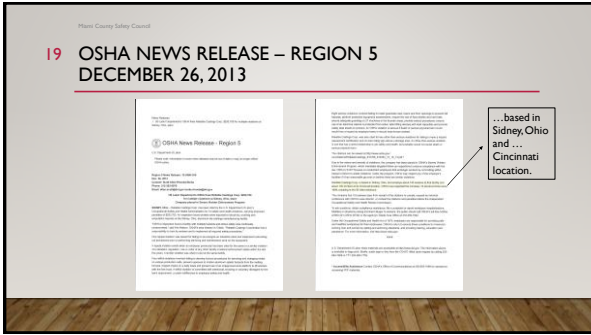
- 1. 12/26/2013 Reliable Castings Corporation \$293,700 for multiple violations at Sidney, Ohio plant
- 2. 12/17/2014 Formed Fiber Technologies \$140,000 for ignoring violations and exposing workers to dangerous machinery and risk of serious injury

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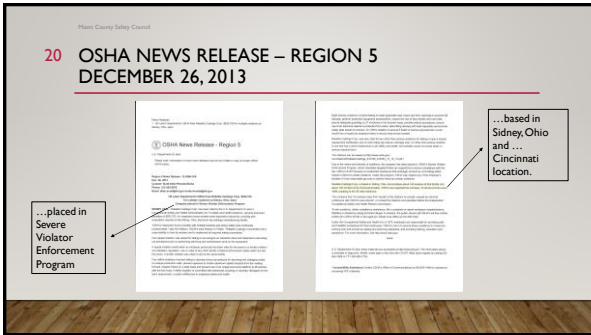
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**18 OSHA NEWS RELEASE – REGION 5
DECEMBER 26, 2013**

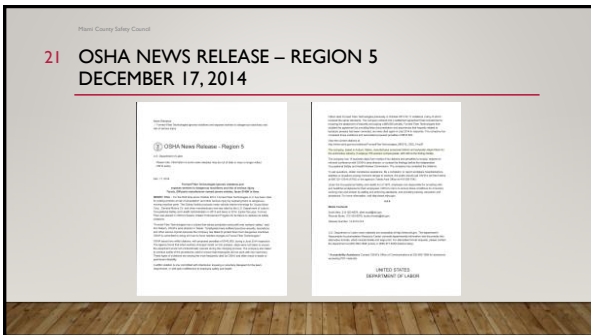
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21

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22 OSHA NEWS RELEASE – REGION 5 DECEMBER 17, 2014

...based in Auburn, Maine...Sidney, Ohio...(and Sumter, South Carolina).

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23 OSHA NEWS RELEASE – REGION 5 DECEMBER 17, 2014

...named severe violator...

...based in Auburn, Maine...Sidney, Ohio...(and Sumter, South Carolina).

23

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SAFETY & HEALTH ISSUES RELATING TO CSHOS

- A. Personal Protective Equipment Hazard Assessment
- B. Respiratory Protection
- C. Safety & Health Rules and Practices
- D. Restrictions
- E. Workplace Violence

24

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SAFETY & HEALTH ISSUES RELATING TO CSHOS

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25

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PPE HAZARD ASSESSMENT

29 CFR Appendix B to Subpart I of Part 1910 - Nonmandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection


26

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2. INSPECTION SCOPE *

- A. Comprehensive – inspection of all potentially hazardous areas of the establishment
- B. Partial – limited to certain potentially hazardous areas, operations, conditions, or practices at the establishment

27


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3. CONDUCT OF INSPECTION *

- A. Time of inspection
- B. Presenting credentials
- C. Refusal to permit inspection and interference *
- D. Employee participation
- E. Release for entry
- F. Employee responsibilities

28

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3. CONDUCT OF INSPECTION *

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29

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PRESENTING CREDENTIALS

- A. While conducting inspections, making contact with:
 - Management representatives,
 - Employees, or
 - Organized labor representatives
- B. At beginning of inspection, locate:
 - Owner representative,
 - Operator, or
 - Agent in charge
- C. Don't delay inspection in excess of 1 hour

30


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REFUSAL TO PERMIT INSPECTION & INTERFERENCE


- A. Refusal of entry or inspection
- B. Employer interference
- C. Forcible interference with conduct of inspection or other office duties – resistance, opposition, assaulted, or threatened with assault
- D. Obtaining compulsory process – search warrant

31

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4. OPENING CONFERENCE




- A. General
- B. Review of Voluntary Compliance Programs
- C. Disruptive conduct
- D. Classified areas

32

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4. OPENING CONFERENCE



- A. **General**
- B. Review of Voluntary Compliance Programs
- C. Disruptive conduct
- D. Classified areas


33

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GENERAL

- A. Attendance
- B. Scope of inspection
- C. Video/audio recording
- D. Immediate abatement
- E. Quick-fix penalty reduction
- F. Recordkeeping rule – within 4 business hours
- G. Abbreviated opening conference

34

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5. REVIEW OF RECORDS

- A. Injury and illness records
- B. Recording criteria
- C. Recordkeeping deficiencies

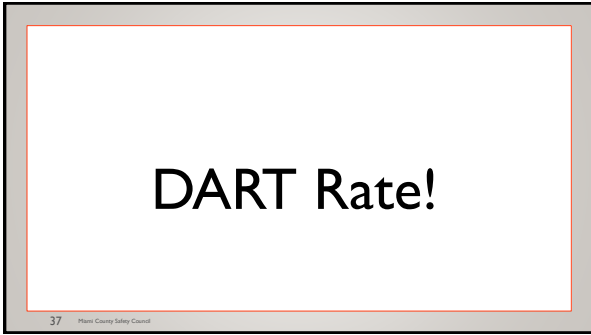
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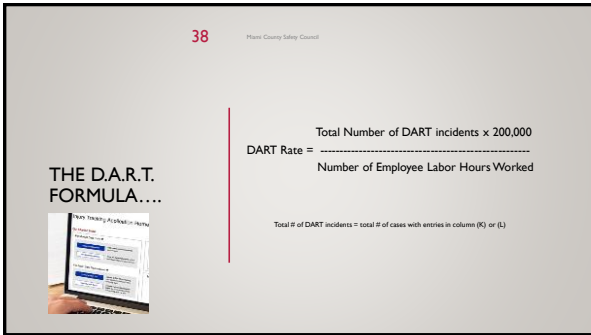
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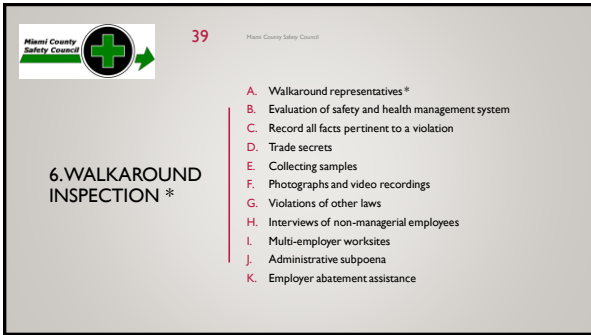
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37



38



39

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6. WALKAROUND INSPECTION *

- A. Walkaround representatives ***
- B. Evaluation of safety and health management system
- C. Record all facts pertinent to a violation
- D. Trade secrets
- E. Collecting samples
- F. Photographs and video recordings
- G. Violations of other laws
- H. Interviews of non-managerial employees**
- I. Multi-employer worksites
- J. Administrative subpoena
- K. Employer abatement assistance

40

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WALKAROUND REPRESENTATIVES *

- A. Persons designated by the employer and employees.
- B. Employee members of an established workplace safety committee.

41

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INTERVIEWS OF NON-MANAGERIAL EMPLOYEES



- A. Any employee privately.
- B. Employee right of complaint.
- C. Time and location of interviews.
- D. Conducting interviews of non-managerial employees in private.
- E. General protocols for conducting employee interviews.
- F. Interview statements during conducting employee interviews.
- G. Informant privilege during conducting employee interviews.

42

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7. CLOSING CONFERENCE

- A. Participants
- B. Discussion items
- C. Advice to attendees
- D. Penalties
- E. Feasible administrative, work practices and engineering controls
- F. Reducing employee exposure
- G. Abatement verification
- H. Employee discrimination

43

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44

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CITATIONS AND PENALTIES (EFFECTIVE 01/2019)

VIOLATION TYPE	PENALTY
<p>WILLFUL A violation that the employer intentionally and knowingly commits or a violation that the employer commits with plain indifference to the law.</p>	<p>OSHA may propose penalties of up to \$132,500 for each willful violation, with a maximum penalty of \$5,000 for each willful violation.</p>
<p>SERIOUS A violation where there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard.</p>	<p>There is a mandatory penalty for serious violations which may be up to \$13,260.</p>
<p>OTHER-THAN-SERIOUS A violation that has a direct relationship to safety and health, but probably would not cause death or serious physical harm.</p>	<p>OSHA may propose a penalty of up to \$13,260 for each other-than-serious violation.</p>
<p>REPEATED A violation that is the same or similar to a previous violation.</p>	<p>OSHA may propose penalties of up to \$132,500 for each repeated violation.</p>

45



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8. SPECIAL INSPECTION PROCEDURES

- A. Follow-up and monitoring inspections – repeated violations
- B. Construction inspections
- C. Federal agency inspections

46

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ARE YOU READY?

OSHA's Top 10 Violations FY2019 & The "SCARY 13"

47



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OSHA'S TOP 10 VIOLATIONS FOR FY2019

1. Fall Protection – General Requirements
2. Hazard Communication
3. Scaffolding
4. Control of Hazard Energy
5. Respiratory Protection
6. Ladders
7. Powered Industrial Trucks
8. Fall Protection – Training Requirements
9. Machine Safeguarding
10. Personal Protective Equipment

48

2019
OSHA's 2018 Top 10 Most Frequently Cited Violations

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49

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THE "SCARY 13"

1. LOTO authorized employee training
2. Current list of chemicals used at the facility
3. Temp employees' OSHA form 301 or Ohio's BWC FROI
4. Training records for electrical safety-related work practices
5. Annual respirator training
6. LOTO periodic inspections
7. PPE training
8. Noise exposure training
9. Bloodborne Pathogens training
10. Confined spaces – non-permit certification
11. Forklift re-certification
12. Written PPE hazard assessment with certification
13. Hazard Communication training for all employees

50

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THE "SCARY 13"

The "SCARY 13"
 John R. Thompson, Director OSHA Area Director in Florida, R. and an agency employee from 1983
 ©2018, modified from the following source: <http://www.osha-slc.com> - shared with the "Scary 13"
 and signed off on by the author during an OSHA inspection.

Standard/Requirement	Met	Not Met
1. Lockout/tagout authorized employee training	Yes	No
2. Assessment for chemical used at the facility	Yes	No
3. Temporary employees OSHA form 301 or Ohio's BWC FROI	Yes	No
4. Training records for electrical safety-related work practices	Yes	No
5. Annual respirator training	Yes	No
6. Lockout/tagout periodic inspections	Yes	No
7. Personal protective equipment (PPE) training	Yes	No
8. Bloodborne pathogens	Yes	No
9. Bloodborne pathogens training	Yes	No
10. Confined spaces – non-permit certification	Yes	No
11. Forklift re-certification	Yes	No
12. Written PPE hazard assessment with certification	Yes	No
13. Hazard communication training for all employees with current chemicals	Yes	No

Source: John R. Thompson | June 2018
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51

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