

## Handling OSHA Inspectors

If an OSHA inspector shows up and requests permission to perform an inspection, first ask him to wait while you get a District liaison. You may wish to call the JPA immediately to request assistance from the JPA OSHA experts, if available. Then contact the District liaison, usually the district safety officer or other management officer. You can ask him to make an appointment at a later date if an appropriate liaison is not available, but don't insist on it. The inspector will have an opening conference, an inspection, and a closing conference. These guidelines are appropriate for any inspector from any agency.

### 1. District Liaison

- a. Designate one person to deal with the inspector. This person should have a good grasp of the OSHA programs on site. Usually this is the district safety officer.
- b. Professionalism is paramount. There is nothing to be gained by hostile, arrogant, or contentious behavior. Be upbeat, respectful, helpful, but not "best pals".
- c. They should also be able to talk without admitting guilt and without volunteering information. They should be able to answer a question without providing additional unnecessary information.
- d. Never argue with an inspector, but it is good to ask questions that will give a clearer picture of what the inspector is thinking. You may disagree, but always do so in a questioning manner, and without confrontation.
- e. Practice complete honesty but only disclose what is requested. Don't guess, speculate, or say anything you are not sure of.
- f. Stay within the scope and purpose of the inspection. The inspector will not only seek general information, but also may seek specific admissions concerning an employer's knowledge of unsafe conditions. Watch out for questions designed to elicit knowledge of uncorrected hazards.
- g. Have a second person on hand to record everything that goes on. Use a tape recorder or transcription, and a camera.

## **2. Opening Conference**

- i. OSHA inspections are usually unannounced. They can be in response to an injury, a complaint, or a routine inspection.
- ii. You have the right to insist on a warrant, but don't. He'll get one and you will pique his curiosity.
- iii. They will first ask to have an opening conference to explain why they are there. Hold this meeting in a conference room. If there was a complaint, ask to see a copy.
- iv. They will ask to see some documentation/written programs.
  - (1) If you can provide a current and effective IIPP with appropriate supporting records, you can go a long way toward impressing the inspector.
  - (2) Send for these programs and bring them only what they ask for. For example, if they ask to see the IIPP (Injury and Illness Prevention Program) and it is in a notebook with other things, take it out and only bring them the IIPP. Don't bring in a box of training records: bring in only those training records they request.
  - (3) They may inspect anything you put in front of them.
  - (4) Schools are not required to keep an "OSHA 300 log" per 8CCR14300.2, SIC 82.
  - (5) You can request more time to find documents if you need it. Always spend time looking for something before stating you don't have it.
  - (6) Medical records and other restricted records may only be released after following proper request procedures.
  - (7) Record every document they inspect.
- v. Before leaving to do the walkthrough inspection, verify and agree exactly what the inspector is going to look for.

## **b. Walkthrough Inspections**

- i. Facilitate the inspection. Show them what they came to see.
- ii. Choose your routes to the questioned area carefully. The inspector is limited to the areas identified in the complaint or warrant, but they may cite any violations in plain view and can expand the scope of the inspection based on what they see.
- iii. Inspectors are allowed to interview your employees confidentially. The workers may refuse if they so choose. Workers may also ask for a witness
- iv. Do not admit any violation has occurred. Preface questions with "If this is a violation..."
- v. Ask about suggested fixes or solutions of conditions the inspector identifies as sub-standard. Ask questions and seek verification, and only then make the suggested changes while the inspector watches. Correcting the situation doesn't necessarily prove a violation or lessen the chances of a citation; it merely demonstrates "good faith" that the situation needs to be fixed and may affect the size of a fine.
- vi. Ensure the scribe takes copious notes and pictures of what the inspectors says, does, and sees. If the inspector takes a picture, you should take a picture of the same item.

**c. Closing conference**

- i. The inspector will have a closing conference and provide you with a copy of the inspection sheet. You can sign that you received it – it is not an admission of guilt. No fines will be proposed at this time.
- ii. If there are apparent violations, ask what the suggested corrective actions are and the time frame for completing them. Always preface your remarks with “If a violation exists”... You may discuss these, but do so reasonably. Negotiations can be done at a later date, and this is not the time to argue.
- iii. Don't make any commitments or promises at this time.
- iv. After the inspector leaves, contact the JPA. Legal counsel will be consulted to determine if any immediate action should be taken.

**d. Citation Letter**

- i. Any actual citation will be issued within six months, but usually arrives within a few weeks. Here is where OSHA tells you what the proposed fine is. If a citation arrives, notify the JPA immediately as legal counsel should become involved.
- ii. Most OSHA fines can be renegotiated, sometimes substantially.