

## **How to Plan for an OSHA Inspection**

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### **Introduction**

More than 105 million Americans spend their day on the job. They are our most valuable national resource. Yet it was not until 1970, that Congress looked at annual injury and illness figures such as these: job related accidents accounted for more than 14,000 worker deaths; nearly two and a half million workers were disabled; ten times as many person-days were lost from job related disabilities as from strikes; estimated new cases of occupation diseases totaled 300,000.

In terms of lost production and wages, medical expenses and disability compensation, the burden of a nation's commerce were staggering. Human cost was beyond calculation. Therefore, Public Law 91-596, also known as the Williams-Steiger Act or the Occupational Safety and Health Act of 1970 (the Act) was passed by Congress.

The purpose of OSHA is to encourage employers and employees to reduce workplace hazards and to implement new or improve existing safety and health programs. OSHA also provides for research in occupational safety and health to develop innovative ways of dealing with occupational safety and health problems.

In general, coverage of the OSHA Act extends to all employers and their employees in the 50 states, the District of Columbia, Puerto Rico and all other territories under Federal Government jurisdiction. Coverage is provided either directly by federal OSHA or through an OSHA approved state program.

OSHA sets legally enforceable standards. The employer must become familiar with the standards and ensure employees have and use personal protective equipment. Employees must comply with all rules and regulations that apply to their own actions and conduct.

Where there is no specific standard, employers are responsible for following the Acts general duty clause. The general duty clause, Section 5 (a) (1) of the Act states that each employer "shall furnish a place of employment which is free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees."

Employers are required to know OSHA standards, post the Job Safety and Health Poster to inform all employees about OSHA, maintain a posting, reporting and recording system, report fatalities and catastrophes and cooperate with the OSHA compliance officer.

Employees are required to read the OSHA poster, comply with OSHA standards, follow all employer safety and health rules and regulations, wear or use prescribed protective equipment, report hazardous conditions to the supervisor and cooperate with the OSHA compliance officer.

OSHA compliance is a reality for hundreds of thousands of businesses in the United States. Many companies have excellent OSHA programs, however, if an OSHA inspector arrived at your facility tomorrow, would your company be prepared?

## **Contingency Planning**

If your Safety Director was on vacation when OSHA arrived, who would handle the OSHA inspection? Does this individual know where all of your key safety programs and training records are located? Can this individual adequately convey how your company protects employees against identified hazards? Companies invest thousands of dollars in OSHA compliance every year, yet many companies do not develop the final step of the program and that is preparing their company for an actual inspection.

One of the first steps in preparing a company for an OSHA inspection is to become familiar with the OSHA website. The OSHA website has excellent information on how to develop OSHA and safety programs, electronic tools and letters of interpretation. The OSHA website also has a section which will allow you to determine what are the most frequently cited standards per your Standard Industrial Code (SIC). This will give you an idea of the primary focus areas that an OSHA inspector may review when they arrive at your facility.

As you go through the most frequently cited list, ask yourself if your company has adequately complied with these particular OSHA programs. Does your company have written programs for each OSHA standard? Are these programs reviewed on a regular basis? Has your company provided employees with adequate training associated with each OSHA program?

## **OSHA Compliance Strategy**

Every company should develop an OSHA compliance strategy. The OSHA compliance strategy should include: having written programs customized for the exposures and controls associated with the individual company. Written programs that are determined to be “off the shelf” or simply a template program will not suffice in the eyes of an OSHA inspector.

Employees should receive safety training on each applicable OSHA program and each company should ensure that the program has been effectively communicated to the employees. Having employees complete a short test after they receive training and having them sign off is a good initial practice. Conducting spot interviews with employees a few weeks later asking them

questions pertaining to the training that they received is an excellent practice and can identify weaknesses in the training program and employees that need to be retrained. In addition, OSHA will typically interview employees asking them questions about the safety program and the OSHA related training that they have received. Conducting spot interviews of employees is an essential part of an OSHA Contingency Plan.

Employees have a responsibility to comply with OSHA standards and follow all employer safety and health rules. It is important for employers to develop safety rules that will help foster OSHA compliance amongst the workforce and consistently enforce the safety rules when there is a violation.

Conducting self-audits, which are based around OSHA related programs can catch program deficiencies prior to an OSHA inspection. Companies that have sophisticated OSHA programs go beyond the standard self-inspection program and conduct self-audits as if they were being inspected by OSHA. Self-inspection programs that uncover unsafe conditions are important, however, the program should extend to observe and evaluate employees to determine if unsafe acts are occurring, if the employees are following safety rules and are wearing personal protective equipment. In addition, many companies today are incorporating an element of auditing one OSHA program per quarter or per month to ensure that it is updated and contains all essential components.

Supervisors need to play an active role in the safety program. Supervisors need to be trained on hazard awareness so that they can readily identify unsafe acts and unsafe conditions before they result in an injury or an OSHA violation. Supervisors also need to be aware of employee complaints so that they can be properly addressed with the safety coordinator or management team. This can help ward off an OSHA inspection due to an employee complaint.

An active Hazard Communication program that goes beyond showing the general videotape can help ward off an OSHA inspection due to employee complaints. Many employee complaints stem from a chemical that has a very strong odor but typically the chemical has no adverse health effects. It is important to openly discuss specific chemicals and use the Material Safety Data Sheet to show employees that the chemical may smell bad but it will not affect their health. If a company does have occupational health exposures, it's important to conduct industrial hygiene monitoring and discuss the results of the sampling with the employees. It is also important to discuss the controls in place such as ventilation and local exhaust, which help minimize employee's exposure to the chemicals.

If your company has ergonomic related injuries such as strains and sprains of the upper extremities and lower back, your company should have a comprehensive ergonomic program which conveys the risk analysis procedures involved in addressing ergonomic hazards, employee training and completed and proposed corrective action.

## **Getting Started**

The first step in preparing for an OSHA inspection is to determine who is going to represent the company during the inspection process. Management will typically require the person in charge of safety to handle inspection. However, many companies fail to recognize that the inspection

could occur when key personnel, including the safety representative are on vacation or at another location. A company needs to develop a hierarchy of trained safety contacts to handle an OSHA inspection. The receptionist should be very familiar with this hierarchy and contact the most appropriate representative when the OSHA inspector arrives at the facility.

Every company should have formalized visitor procedures, which address visitor safety and security. These procedures would include requiring the visitor to sign a visitor's log, providing the visitor with the required PPE and in some cases providing the visitor with the safety rules of the facility. Sophisticated visitor safety procedures will also make a good first impression on the OSHA inspector.

Companies that have written programs which are kept in neat binders and are updated on a regular basis may also help create a good impression on the OSHA inspector. The programs should convey that there is a written program for each applicable OSHA standard and that each program is reviewed periodically to ensure that it is up to date. Documentation should also convey that management, supervisors and employees have been provided with comprehensive safety training. Many companies have created a safety room or safety library where all of this information is kept. The OSHA inspector can be directed to this room and can sit at a conference table and review the written OSHA programs and the training documentation. This also creates an excellent first impression on the part of the OSHA inspector.

After a review of the written programs, the OSHA inspector will typically conduct a walk around inspection of the facility. It is imperative that your company representative that accompanies the OSHA inspector is the right person. This person should be extremely knowledgeable about the plant operations, the hazards associated with the operations, the controls in place to reduce the hazards and all applicable safety programs.

The closing conference will typically include a discussion of violations, abatement steps and an explanation of the OSHA standards. The employer should ensure that the OSHA inspector thoroughly reviews all violations and the required steps necessary to control or eliminate the violation. In some cases, something may be missed during the plant inspection regarding the particular safety program or the identified hazard. It is important to communicate all of your safety program information to the OSHA inspector regarding each violation to ensure that they have all the necessary information before they cite your company.

## **Common OSHA Programs**

This section touches on some of the common OSHA programs, however, this section does not provide every detail necessary for compliance nor does it include every OSHA program, which may be required at your company.

It is important to have a safety information center, which prominently displays the most current Job Safety & Health Poster. Your safety information center should also include aspects of your safety and health programs, such as safety committee members, evidence of employee involvement in the safety program, emergency telephone numbers and recent safety accomplishments.

The lockout/tagout standard requires a written program for the control of hazardous energy. Lockout tagout training must be provided to authorized employees, affected employees and other employees. OSHA requires effective initial training and retraining as necessary. Training must ensure that the purpose and function of the companies energy control plan are understood and that employees gain the needed knowledge and skills to safely apply, use and remove hazardous energy controls. Many companies fail to conduct a periodic inspection of the lockout/tagout program. A periodic inspection of the lockout/tagout program must occur on an annual basis. These inspections must at least include a demonstration of the procedures (steps) and may be implemented through random audits and/or planned visual observations.

The inspections must be performed by an authorized employee other than the one(s) using the energy control procedure being inspected. The purpose of the inspection is to correct deviations or inadequacies relating to your procedures and/or training. The inspection should also point out the strong aspects of your program.

The OSHA machine guarding regulations are listed in Subpart O. While there are general requirements, there are also specific standards for certain types of machinery, which include mechanical power presses and woodworking machinery. The general requirements for machine guarding are listed in 1910.212. The regulations require that one or more methods of machine guarding be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods include; barrier guards, two hand tripping devices and electronic safety devices.

The Hazard Communication Program must contain four elements; a Written Program, Material Safety Data Sheets (MSDS), Labeling and Information and Training. The written program must be available to the employee, the employee representative and the OSHA representative. The primary subject areas of the written program must include; Labels, MSDS and Training. The MSDS must be in English, readily available during normal work hours and immediately accessible during emergencies. All hazardous chemical containers must have labels. Labels provide a brief synopsis of the hazards of the chemicals at the site where the chemical is used in the work area. Secondary containers or transfer containers must include the identity of the chemical and an appropriate hazard warning. Portable containers (immediate use) need to include the identity of the chemical.

Hazard Communication training must be conducted during the initial assignment and whenever a new hazard is introduced. The required training elements must include the physical and health effects of the hazardous chemicals, how to reduce the exposure to these hazards and how to read labels and the MSDS. Many companies will use actual MSDS and labels as part of their training program.

OSHA requires the use Personal Protective Equipment (PPE) to reduce employee exposure to hazards when engineering and administrative controls are not feasible or effective in reducing these exposures to acceptable levels. Employers are required to determine if PPE should be used to protect their workers. If PPE is to be used, a PPE program should be implemented. This program should address the hazard present; the selection, maintenance and use of PPE; the training of employees; and the monitoring of the program to ensure on-going effectiveness. Employers are required to assess the workplace hazards for PPE. If hazards are present, then (1)

select PPE that protects against hazards; (2) require employees to use PPE; (3) inform affected employees of PPE selection; and (4) fit employee with PPE. The hazard assessment must include a survey of the workplace and an accident analysis. The person conducting the hazard assessment must observe the environment, interview employees, identify sources of injury and re-assess the workplace whenever a new hazard is introduced.

Emergency Action Plans are vital in protecting employees in the event of an emergency. OSHA requires the following six elements be developed and implemented into your emergency action plan; procedures for emergency evacuation and exit route assignments, procedures to follow for emergency operation or shut down of critical equipment before evacuation, procedures to account for all employees after evacuation, procedures to follow for rescue and medical duties, procedures for reporting a fire or other emergencies and the names and regular job titles of persons or departments who can be contacted for further information or explanation of plan duties.