

# SEE-MORE SAFETY SAYS...



## **What To Do When the OSHA Inspector Arrives**

1. Have an assigned jobsite safety and health representative, preferably the superintendent, greet the inspector. (Make this employee one who administers the company's safety program and who is prepared to handle an OSHA inspection).
2. Inspect the compliance officer's credentials and confirm the purpose of the inspection (complaint, programmed, imminent danger, etc.).
3. Contact upper management, the company safety representative, and legal counsel, if necessary. (You may want counsel to be present if a fatality or serious injury has occurred.)
4. Know which circumstances and which types of investigations might require your demand for a search warrant.
5. **During the opening conference:**
  - OSHA may request to see your OSHA Log 200 Form, Hazard Communication Program, and Safety Program. You are required to provide this information for review.
  - Do not permit employee representatives to participate in the opening or the closing conference.
  - Define the scope (extent) of the inspection, and confirm any restrictions or limitations. (If that scope is not respected, you may withdraw your permission to continue the inspection without a warrant.)
6. **During the walkaround:**
  - Bring a camera, note pad, ruler and necessary personal protective equipment.
  - Stay with the compliance officer **AT ALL TIMES.**
  - Be polite and do not argue when the compliance officer points out an apparent violation. (You may indicate that a hazard does not exist, that your employees were not exposed or that your employees did not create the hazard.)
  - Be careful of statements made to the compliance officer, it may be considered an admission.
  - Never admit something is wrong and never volunteer information.
  - Be the compliance officer's "shadow" – take the same photographs and measurements. (Ask why a photograph or measurement was taken.)
  - Document what the compliance officer observes, persons spoken to and what is said.
  - Routinely question the inspector's actions and comments.
  - Do not permit demonstrations of your equipment or the interruption of work.
  - Inform the compliance officer you are prepared to correct alleged violations during the inspection, but your correction is not an admission of guilt.
7. **During the closing conference:**
  - Limit your participation to seeking information from the compliance officer rather than providing information.
  - Ask specifically if any violation exists. Then ask why an apparent violation exists, what is the hazard, where is the exposure, and which standard applies, etc.
  - Try to determine what is required for correction.
  - Under no circumstances should there be:
    - › an admission that a violation exists;
    - › an admission that you had previous knowledge of a hazard's existence, (for example, you may be asked "Were you aware of the missing guardrail?");
    - › an agreement that alleged hazardous condition can be abated; or
    - › an agreement to certain abatement date.

