Overall Agenda:

- OSHA Regulations
- OSHA Inspections
- What's New
- Questions and Answers
OSHA Reg’s

• **OSHA Regulations** are essential to many industries. There are rules and guidelines for a variety of business types and companies that need to be met in order to stay on top of your compliance. This is done not only to make the workplace safer for employees, but to increase business productivity and morale on a larger scale.

OSHA

• Don’t be discouraged when accidents happen. Even the safest environments are prone to accidents. Be proactive and take it as a learning experience.
OSHA

• Don’t assume that people aren’t on board with safety and wellbeing in the workplace.
• Everyone wants a safe place to work, whether they act like it or not. Even if they aren’t into it, it’s a necessity that your business cannot live without.

OSHA

• Following OSHA guidelines and making sure that your workplace is compliant is the first key to having a successful business.
• A safe and healthy workplace will increase employee morale, boost productivity, and make your business that much more sustainable in the long run.
General Duty Clause

• Each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

Introduction to OSHA Standards

29 CFR

Part 1903 Inspections
Part 1915 Shipyards
Part 1904 Recordkeeping
Part 1917 Marine Terminals
Part 1928 Agriculture
Part 1910 General Industry
Part 2200 Review Comm
Part 1908 Consultation
Part 1926 Construction
Part 1918 Longshoring
Where to Get OSHA Standards

• Federal Register in public libraries
• CD-ROM subscription through U.S. Government Printing Office (GPO)
• Code of Federal Regulations (CFR) in public libraries and through GPO, (866) 512-1800
• OSHA web site - OSHA standards, interpretations, directives (www.osha.gov)

OSHA INSPECTIONS

Revised: 7 June 2007
How Does OSHA Decide Who to Inspect?

OSHA cannot inspect all workplaces it covers each year. The agency seeks to focus its inspection resources on the most hazardous workplaces.

OSHA INSPECTIONS

- Complaints
- Referrals
- Programmed Inspections
- Fatal Accidents
Some Inspection Definitions

• **Formal complaint**: a signed complaint alleging the existence of a violation threatening physical harm, submitted by a current employee, a representative of employees (such as unions, attorneys, family members, etc.), or an employee of another company also exposed to the alleged hazard. OSHA keeps the identity of the complainant confidential.

Some Inspection Definitions

• **Phone/Fax Investigations** - For lower-priority hazards or complaints from former employees, OSHA may phone the employer to describe safety and health concerns, following up with a fax providing details on the alleged hazards. The employer must respond within five working days, identifying any problems found and noting corrective actions. If the response is adequate and the complainant is satisfied with the response, OSHA generally does not conduct an inspection.
Some Inspection Definitions

- Referral: Notice of an alleged hazard of a violation, given by a source other than those listed under formal complaint, for example, the media, police, other government agency, etc.

OSHA INSPECTIONS

- Program inspections aimed at specific high-hazard industries, workplaces, occupations or health substances, or other industries identified in OSHA’s current inspection procedures. OSHA selects industries for inspection on the basis of factors such as the injury incidence rates, previous citation history, employee exposure to toxic substances or random selection. OSHA may also develop local, regional or national emphasis programs.
OSHA INSPECTIONS

• Preparing for the Inspection
  – Inspector’s Credentials
  – Opening Conference
  – Walk Around
  – Closing Conference
  – Citations
  – Appeals
  – Review

Compliance Officer’s Responsibility

• Compliance officers carry out their responsibilities by conducting effective inspections to determine whether employers:
  – Furnish workplaces free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees (this is the General Duty clause from the OSHA Act), and
Inspector’s Credentials

- Inspector displays credentials
- Asks to meet an appropriate employer representative
- Employers should always ask to see credentials.
- Employer can call local OSHA office to verify

Opening Conference

- Inspector explains the purpose of the visit
- Inspector explains how the establishment was selected
- Inspector explains what the likely scope of the inspection will be
Opening Conference

- Inspector asks for an authorized employee representative (union) to accompany them during the inspection

The Inspection Process, Walk Around

- Inspector proceeds through the establishment to identify safety and health hazards
- Inspector determines route and duration of the inspection
- Inspector talks privately with employees
The Inspection Process, Walk Around

• Inspector notes safety and health condition and practices
• Inspector takes photos/videotapes
• Inspector examines records and programs

The Inspection Process, Walk Around

• Employees are consulted, in private, about safety and health conditions and practices
• Employees are protected from discrimination for exercising their rights
• Records (deaths, injuries, illnesses, first reports, haz com)
The Inspection Process, Walk Around

- Inspector points out unsafe or unhealthful conditions
- Inspector discusses feasible corrective action
- Violations corrected immediately may reflect employers good faith for penalty consideration

The Closing Conference

- Inspector reviews all observed unsafe and unhealthful conditions.
- Inspector indicates alleged violations for which a citation and penalty may be issued.
The Closing Conference

- Inspector will not indicate any specific penalty but informs employer of appeal rights
- Good time for the employer to produce records of compliance efforts and provide information to help determine timeframes for abatement

The Closing Conference

- Inspector reports findings
- Area Director determines whether citations will be issued and whether penalties will be proposed
Citations

- OSHA must issue a citation and proposed penalty within six months of the violation’s occurrence.
- Employer will receive citations and notices by certified mail or UPS.
- Employer must post a copy of each citation at or near the place the violation occurred for 3 days or until it is abated.

Appeals by Employers

- Employer may request an informal conference with the Area Director.
- Area Director is authorized to enter into settlement agreements.
- Area Director may revise citations and penalties to avoid prolonged legal disputes for speedier hazard abatement.
Petition for Modification of Abatement

• Employers written petition to extent abatement time for conditions beyond their control
• Includes steps taken, how much additional time, temporary steps

Notice of Contest

• 15 days to notify Area Director in writing
• Copy given to employee representative
• Or posted in prominent location
## Review Procedure

- Notice of contest forwarded to the Occupational Safety and Health Review Commission (OSHRC)
- Independent of OSHA and DOL

## Updates to OSHA’s Recordkeeping Rule

- You must report the fatality within 8 hours of finding out about the fatality.

- You must report any in-patient hospitalization of one or more employees, amputation, or loss of an eye within 24 hours of finding out about the event.
Updates to OSHA’s Recordkeeping Rule

• You have three options for reporting the event:
• By telephone to the OSHA Area Office nearest to the site of the work-related incident. Information about OSHA Area Office.
• By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742).
• Electronically, using the event reporting application that will be located on OSHA Public Website.

OSHA Records
Who Is Exempt

• 10 or fewer employees do not have to routinely keep OSHA injury and illness records.
• Partial exemption is industry; establishments in certain lower-hazard industries are not required to routinely keep OSHA injury and illness records. OSHA's recordkeeping regulation contains a list of all industries that are partially exempt from routinely keeping injuries and illness records.
OSHA Quick Takes

- **Free** OSHA e-newsletter delivered twice monthly to nearly 72,000 subscribers
- **Latest news** about OSHA initiatives and products to help employers and workers find and prevent workplace hazards
- Sign up at [www.osha.gov](http://www.osha.gov)

Questions and Answers

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