

# Preparing for an OSHA Inspection



Steps to Reduce Exposure

Presented By BHHC Loss Control

March 2025

# AGENDA

March 2025

- Describe OSHA's Legal Mandate
- Discuss OSHA Standards and who they apply to
- Outline How and Why OSHA conducts inspections
- Review Possible Outcomes of an inspection
- Identify ways to proactively prepare for an OSHA inspection

# OSHA Mandate

- Under the Occupational Safety and Health Act of 1970 (OSHA), OSHA is authorized to conduct workplace inspections and investigations to determine whether employers are complying with standards issued by the agency for safety and healthier workplaces

## Many Standards are Performance based

- Mandating achievement of goal
- Execution based evaluation vs documentation

## Control of Unsafe Conditions

- Construction, General Industry and Maritime guidelines for control of unsafe conditions

## Employer Challenged to Protect

- Employers must protect workers as much as possible, requiring behavioral controls and accountability

## Written Program Standards

- Many companies are required to have written programs for control of specific hazards

## General Duty Clause

- Broad statement designed to cover all events and locations



# Inspection Priorities

- OSHA's Priorities for inspection are weighted on severity:
  - *Imminent Danger*
  - *Catastrophic and Fatal Accidents*
  - *Complaints and Referrals*
  - *Programmed Inspections*
  - *Follow Up Inspections*

# Inspection Priorities

## Imminent Danger



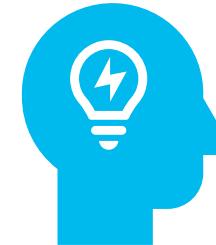
- Reasonable certainty that a danger exists that could cause death or physical harm unless eliminated

## Accident and Incident Investigation



- Second priority goes to investigations of fatalities and accidents resulting in death or hospitalization of three or more employees

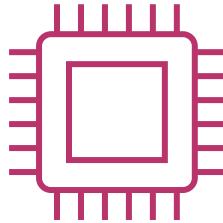
## Complaints & Referrals



- Formal employee complaints of unsafe or unhealthy working conditions and referrals from any source about workplace hazards

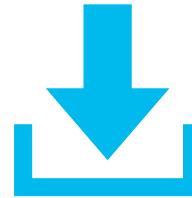
# Inspection Priorities

## Programmed Inspections



- Specific high hazard industries and workplaces, and occupations or health substances or other industries are identified in OSHA current inspection procedures as targets for inspections

## Follow Up Inspections



- Evaluates whether an employer has corrected previously cited violations

## OSHA HIGH HEAT TARGETS

- Construction
- Agriculture
- Manufacturing
- Landscaping
- Mail/package delivery
- Oil and gas well operations
- Focus on outdoor work during extreme heat conditions,

# Employee Complaints and Concerns

- The Complaint
  - Employees have the right to file complaints about workplace safety
  - Complainants have the right to request that employers do not know their name (Anonymous)
- Complaints can be filed online

## FILING A WORKPLACE COMPLAINT CHOOSING THE RIGHT ONE

	Safety and Health Complaint	Whistleblower Complaint
File your complaint online, by phone or letter	✓	✓
Submit your oral or written complaint in any language	✓	✓
File your complaint anonymously	✓	✗
Allow someone to file for you	✓	✓
Report unsafe or unhealthy conditions	✓	✗
Report retaliation or threats for raising a safety or health concern	✗	✓
Provide the employer's name, address, and contact information	✓	✓
Filing deadline	< 6 months*	30-180 days**

\* OSHA cannot issue citations for violations that occurred more than six months prior

\*\* Deadline varies with each statute

<http://www.osha.gov/pls/osha7/eComplaintForm.html>

For more information, visit [osha.gov/workers](http://osha.gov/workers) or [whistleblowers.gov](http://whistleblowers.gov).

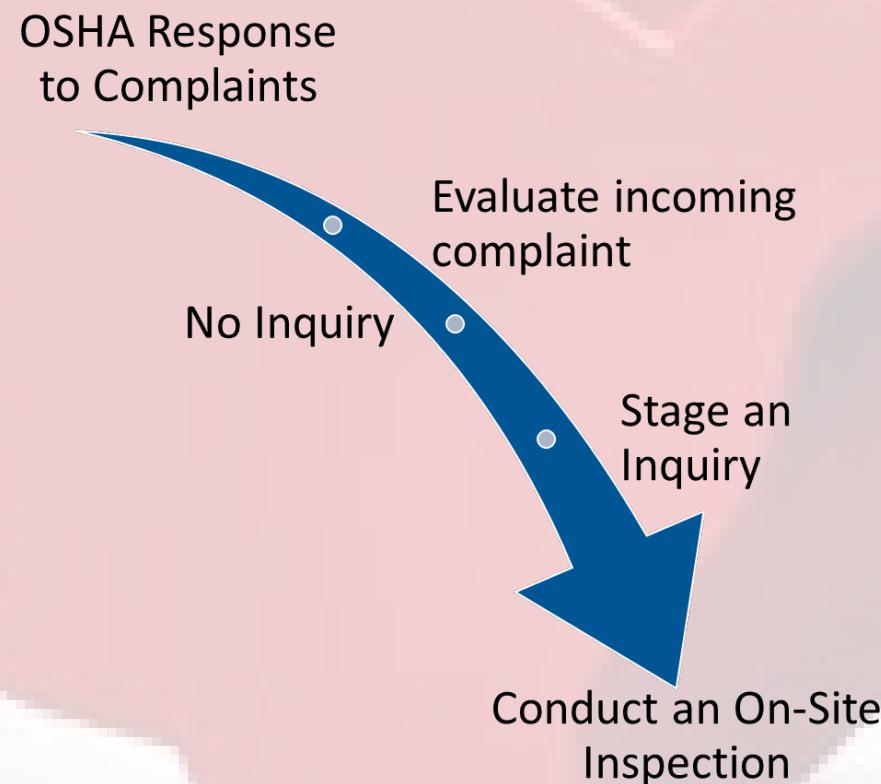
# Complaints

- Other interested Parties, such as patients in a hospital, can also file complaints
- Online complaints go through OSHA's phone/fax system. An OSHA -7 form will need to be completed
- Written, Signed complaints submitted to OSHA will be more likely to result in onsite OSHA inspections

U. S. Department of Labor  
Occupational Safety and Health Administration  
Notice of Alleged Safety or Health Hazards

Complaint Number	
Establishment Name	
Site Address	
Site Phone	Site Fax
Mailing Address	
Mail Phone	Mail Fax
Management Official	
Telephone	
Type of Business	
HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist and on what date you last observed the hazard(s). Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists.	
Has this condition been brought to the attention of:	
<input type="checkbox"/> Employer <input type="checkbox"/> Other Government Agency (specify):	
<i>The OSH Act gives employees and employee representatives the right to request that their names not be revealed to their employer. Providing your name and address will only allow OSHA staff to communicate with you regarding your complaint.</i>	
<input type="checkbox"/> Do NOT reveal my name to my Employer <input type="checkbox"/> My name may be revealed to the Employer	
Please Indicate Your Desire:	
<i>The Undersigned believes that a violation of an Occupational Safety or Health standard exists which is a job safety or health hazard at the establishment named on this form. (Mark "X" in ONE box).</i>	
<input type="checkbox"/> Former Employee <input type="checkbox"/> Current Employee <input type="checkbox"/> Representative of Employees <input type="checkbox"/> Federal Safety and Health Committee <input type="checkbox"/> Other (specify)	
Complainant Name	Telephone
Address (Street, City, State, Zip)	
Email Address	
Signature	Date
If you are an authorized representative of employees affected by this complaint, please state the name of the organization that you represent and your title:	
Organization Name:	Your Title:

# Complainant Protections



- A discrimination complaint can be filed if an employer has punished an employee for exercising any employee rights established under OSHA or for refusing to work when faced with an imminent danger of death or serious injury and there is insufficient time for OSHA to inspect
- Can File both federal and State
- Complaints can be filed by calling local OSHA regional office



# The Inspection

- OSHA conducts onsite inspections to enforce standards
- Usually, onsite inspections are unannounced
- Prior to inspection, OSHA familiarizes themselves with workplace – inspection history, nature of business and standards review
- Onsite Inspections
  - Start with Opening Conference
  - Onsite Walk-Through Review
  - Ends with a Closing Conference

# When an Inspectors Knocks

## Ask for Credentials

- All OSHA inspectors have ID and credentials that they should show you to establish their identify

## Refusing Entry

- Can refuse entry, however OSHA can obtain a warrant which gives them the right to inspect facilities.

## Never leave OSHA inspector alone.

- Management, and employee representatives, should accompany the OSHA inspector. Only take the inspector to the areas they request to see.

## Correct Violations as quickly as possible – Immediately is good

- OSHA is required to cite violations, however if you can immediately fix them they will reduce and in some cases eliminate the associated penalties

## Answer Truthfully

- Answer all questions truthfully, without directly admitting guilt.

## Only answer the direct questions

- Do not talk about past incidents or accident or offer additional information unless specially requested to – *Get receipts for any documents you provide*

## Be Nice!

- Be courteous. Do not be rude or argue with the inspector

"If you are the proprietor or managing director of a company, you are ultimately responsible for the health and safety in all aspects of the business."

Brian Clark

# OSHA Inspection Possible Outcomes

OSHA Inspector reports to  
Area Director who  
determines violations

Type of Violation	Penalty
Serious	\$1,116 to \$15,625 per violation
Other-Than-Serious (De minimis)	\$0 - \$15,625 per violation
Willful or Repeated	\$11,162 - \$156,259 per violation
Posting Requirements	\$0 - \$15,625 per violation
Failure to Abate	\$15,623 per day past the unabated date

# Outcomes of Inspections



## Citations Issued

If area director determines violations are present, OSHA will issue citations and give reasonable time for abatement



## Citation will be rated

Citations are rated as serious, willful, other-than-serious and penalties are assessed based on that rating.



## Top 10 Area for Citations

Fall protection, hazard communication, ladders, scaffolds, Powered Industrial Trucks, Lockout, Respiratory Protection, PPE, Machine Guarding



## Right to Contest Citations

Employers can contest the outcome in an informal conference. If that fails a formal appeal can be filed



## Penalties can be announced

Sometimes after and sometimes concurrent with the citation, the OSHA Direct informs employer of penalty



## Formal Appeals

Formal appeals are legal events and employers should be represented by legal counsel.

# Risk Assessment & Management Solutions

## Risk Management Platforms

- Risk assessment focuses on assessment frequency, likelihood and severity of associated operations
- Higher end assessment tools can enable a more in-depth understanding
- Automated traditional risk assessment tools FMEA, HAZOP, SVA, Process Safety

### Process Safety Management (PHA, HAZOP, LOPA) Software

Identify and manage process safety risks across your organization.

[Learn more →](#)

### Failure Mode & Effects Analysis (FMEA) Software

Identify potential risks with Failure Mode and Effects Analysis Software (FMEA).

[Learn more →](#)

### Quality Risk Assessment Software

Strengthen and improve your quality processes risk management software.

[Learn more →](#)

### Security and Vulnerability Assessment (SVA) Software

Fortify your defenses with our operational security software and proactive vulnerability analysis.

[Learn more →](#)

### Occupational Risk Software

Manage occupational risk with Job Hazard Analysis (JHA) Software.

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### Process Hazard Analysis (PHA-Pro) and HAZOP

Minimize risk exposure with Sphera's industry-leading PHA and HAZOP software and services.

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# Preparing and Preventing OSHA Inspections



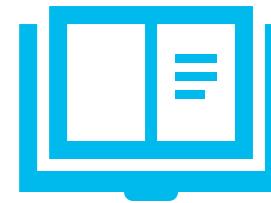
Conduct and document regular safety meetings



Join Industry Groups and Share Information



Ensure OSHA Posters are displayed where all employees have access

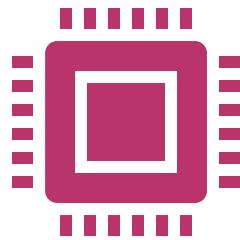


Review the standards for your industry



Periodic OSHA Mock Audits

# Preparing and Preventing OSHA Inspections



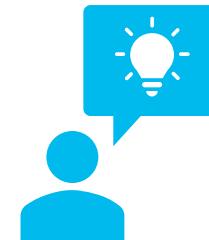
Ensure Written programs are up to date and current



Monitor Safety and Health Compliance in House



Ensure employee training is current and meets performance standards



Identify the person who needs to be present if OSHA inspects – Designate Duties



Regularly review and update Employee Records required by OSHA

# Our Observations

- OSHA inspections are unlikely for most companies
- Having a plan helps to prepare for this unlikely event
- Understand your rights
- Prepare for the inspection by self auditing your efforts
- Be nice – you can contest the violations if they are issued
- *ASK US FOR HELP!!!!*

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