

Manager/Supervisor Risk Management

#122– 1/24/13

A twice weekly e-mail training for YCPARMIA members

TOPIC: SAFETY – OSHA INSPECTION

Let us start with a simple truth: you can't control the scope or activity of a Cal/OSHA inspection. The inspector is basically free to look into any or every aspect of your operation; the inspection is not limited to whatever circumstances may have triggered it, and may move into new areas as additional concerns are discovered. There is also no apparent privacy right in the inspection process; the results of the inspection, especially if citations are issued, will probably be published by the State.

The inspector shows up, shows their credentials, and asks for permission to conduct the inspection. If permission is refused, the now alienated inspector comes back with a warrant (and probably additional inspectors). Interestingly, advance notice of an OSHA inspection is prohibited by law. OSHA inspections have serious potential, so your upper management should be contacted immediately. YCPARMIA also recommends that if/when an OSHA inspector shows up that you contact us immediately, so that our Loss Prevention Analyst can monitor the inspection and assist the entity through the process. Lastly, someone on your staff should accompany the OSHA inspector, and keep track of what they are doing, saying, and photographing.

The inspection should probably be thought of as informally having two parts: the paper part, and the physical part. There is an opening conference where the inspector explains the reason for, and the scope of the inspection. The inspector will review permits and registration, confirm that there is workers' compensation coverage, review occupational safety and health records, review the entity's written Injury and Illness Prevention Plan (IIPP), and any other programs and training that interests them. They explain the inspection walk around procedures, employee interviews that might be conducted, photographs that may be taken, and samples that might be taken.

As part of two Cal/OSHA special emphasis programs, regardless of the triggering event, you will be required to produce written copies of your Confined Space Program and your Heat Illness Program.

If, during the physical inspection, an imminent hazard is discovered the area is "yellow tagged" with an order prohibiting further use or activity in the area. The tag will not be removed by OSHA until the hazardous condition has been remedied to their satisfaction. It is important to recognize that the entity can "pass" the walk around/ physical portion of the inspection, and get dinged on the "paper" portion. You may have a safe worksite and done nothing wrong, but if you don't have the required written programs and training records you could face consequences.

When the inspection is over there is a closing conference where the inspector discusses any alleged violations, citations and any requirements for abatement. The possibility of a follow-up inspection is also discussed.

Next topic: OSHA Citations/Penalties