

# **IS YOUR MISSOURI BUSINESS PREPARED FOR AN OSHA INSPECTION?**



**Learn how to respond before an OSHA  
inspector arrives on-site.**

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Most businesses dread the thought of an OSHA inspection. Much of this dread may stem from misconceptions and lack of preparedness. Do yourself a favor by knowing how to respond before a compliance officer arrives at your door.

## 10 Things You Need to Know About OSHA Inspections

1. OSHA inspections are not random. Most inspections are the result of one of the following:
  - A. In response to a fatality or catastrophe;
  - B. In response to an employee complaint;
  - C. A “targeted” inspection, which is part of the national emphasis program (NEP) or local emphasis program (LEP); or
  - D. A result of an imminent danger observed by a compliance officer (commonly a fall from height or trenching exposure).
2. With few exceptions, OSHA inspections are not scheduled or pre-announced. An OSHA compliance officer may arrive at your business unannounced, and will advise you of the nature of the inspection.
3. You do not have the right to refuse an inspection, but you do have the right to refuse entry to your property. Because your business is private property, you may refuse entry to the property and require OSHA to obtain a warrant in order to conduct their inspection.
4. You should always verify the credentials of the OSHA compliance officer. Are they from the proper jurisdiction governing your business (federal or state)? It is your responsibility to know which division has jurisdiction over your business.
5. There are three parts to every inspection:
  - A. Opening Conference
  - B. Walkthrough Inspection
  - C. Closing Conference
6. Once on site, OSHA’s Compliance, Safety, & Health Officers (CSHOs) have “line of sight” authority. If a hazard or condition is observable, it is citable. You determine the access route or path to the inspection area, even if that means taking the CSHO outside the front door, around the outer perimeter of a building, and into another entrance door with more direct access to the identified inspection area. You may control much of what the officer sees by limiting their access through the facility.

7. OSHA representatives will want to speak with your employees. Your employees have the right to speak with these officers freely, privately, and without fear of consequence or retaliation. Employees have the right to speak with CSHOs without management present, but may request the presence of a peer, a union officer, or another non-management person. Your employee is not required to participate in any discussion, but you may not influence their decision.
8. OSHA has the right to view and obtain copies of your injury reporting logs (300, 301, 301A) while on-site.
9. OSHA does not have the right to view or obtain copies of personnel files, inspection reports, or other internal documentation during the inspection visit. These documents may become discoverable at a later time, but the compliance officer does not have open access to your files and documentation during the inspection visit.
10. Your company should have a designated person to interact with OSHA and to respond to investigations and citations. Your staff should know who to contact on site if an OSHA compliance officer arrives, and know how to respond to an inspection request.

## **10 Steps to Outline Your OSHA Inspection Policy**

An OSHA inspection response policy is worth its weight in gold. OSHA makes people nervous. Having a policy in place alleviates the pressure on your customer-facing front office personnel and helps them remain calm and professional in the presence of an OSHA compliance officer.

At a minimum, your policy should include the following:

1. An OSHA compliance officer (CSHO) will arrive on site and state the intended purpose/scope of the inspection.
2. You should request to see the compliance officer's credentials.
3. Seat the CSHO in a clean area at the front of your facility.
4. Call the company-designated OSHA representative for the company.
5. Your company-designated OSHA representative should:
  - a. Take the CSHO into a conference room or private office near the front of the facility for the opening conference, or
  - b. Refuse entry to the facility and request the CSHO obtain and return with a warrant to conduct the inspection.
6. The company-designated OSHA representative should determine the path of access to the inspection area based upon the scope of the inspection identified by the CSHO. This may entail taking the CSHO out the front door and around the exterior of the building to another entrance with more direct access to the inspection area in order to limit and control the CSHO's line-of-sight.
7. The CSHO should never have unaccompanied access to your facility. Your company-designated OSHA representative should lead the CSHO to the inspection area and should remain with the CSHO at

all times (except when the CSHO is speaking with an employee). If possible, there should be two or three company representatives who accompany the CSHO during this inspection.

8. Your company-designated representative should always document the inspection. If the CSHO takes a photo, you should take the same photo. If the CSHO takes measurements, you should take measurements. If the CSHO expresses concerns or asks questions, these items should be noted. Your documentation should mirror the compliance officer's documentation as closely as possible.

9. Be cooperative. Answer questions that are asked, but do not volunteer any additional information.

10. Upon completion of the walkthrough inspection, your company designated OSHA representative should lead the CSHO back to the conference room to conduct the closing conference. Make notes of the officer's observations and concerns.

## **After the Inspection**

The OSHA compliance officer will return to the local field office to prepare the final inspection report. OSHA has six (6) months within which to issue any citations. Your company has 15 days in which to respond to these violations. Your response may detail your OSHA-compliant training policies, employee training attendance records, or some other proof of abatement.

Violations may be abated and/or dismissed, may be appealed, or the case may be tried in court. You should understand your right to appeal, your right to request an informal hearing, and your right to request a reduction of fines. Settlement should always be explored before proceeding to trial.

It is your responsibility to know your rights. Be prepared for the unexpected by establishing an OSHA inspection procedure before it is needed.

*Do you know how to respond to an impromptu OSHA inspection visit? Are you responsible for workforce safety or risk management? [Email us](#) or give us a call at (816) 349-0850 to see how we can help design a safety and risk management plan that meets your unique needs.*