



OSHA Inspection

Inspections

Under the Occupational Safety and Health Act of 1970 (the Act), the Occupational Safety and Health Administration (OSHA) is authorized to conduct workplace inspections to determine whether employers are complying with standards issued by the Agency for safe and healthful workplaces. OSHA also enforces Section 5(a)(1) of the Act, known as the General Duty Clause, which requires that every working man and woman must be provided with a safe and healthful workplace. Workplace inspections are performed by OSHA compliance safety and health officers who are knowledgeable and experienced in the occupational safety and health field and who are trained in the OSHA standards and in the recognition of safety and health hazards. Similarly, states with their own occupational safety and health programs conduct inspections using qualified State compliance safety and health officers.

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Inspections, either programmed or unprogrammed, fall into one of two categories depending on the scope of the inspection:

- **Comprehensive:** A substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected.
- **Partial:** An inspection whose focus is limited to certain potentially hazardous areas, operations, conditions or practices at the establishment. A partial inspection may be expanded based on information gathered by the Officer (CSHO) during the inspection process. Consistent with the provisions of the Act, and Area Office priorities, the CSHO shall use professional judgment to determine the necessity for expansion of the inspection scope, based on information gathered during records or program review and walk around inspection.

In order to target the more hazardous sites for inspection, OSHA regularly publishes a compliance document, *Site Specific Targeting* (CPL 2), which tells OSHA Area Offices which general industry establishments to select for inspection and how to go about inspecting these establishments. Establishments are identified in an annual nationwide collection of injury and illness data from thousands of establishments. This data survey is performed according to 29 CFR 1904.17. Initially, inspectors are to select from the data initiative those



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workplaces with high lost workday injury and illness (LWDII) rates. After that, they may inspect those with moderate LWDII rates. Some establishments are selected based on factors other than LWDII rates.

Conducting Inspections

Inspections are usually conducted without advance notice. In fact, alerting an employer without proper authorization in advance of an OSHA inspection can bring a fine of up to \$1,000 and/or a six-month jail term. This is true for OSHA compliance officers as well as state inspectors.

There are, however, special circumstances under which OSHA may give notice to the employer, but such a notice will normally be less than 24 hours. These circumstances include:

- Imminent danger situations that require correction as soon as possible;
- Inspections that must take place after regular business hours or which require special preparation;
- Cases where notice is required to assure that the employer and employee representative or other personnel will be present;
- Cases where an inspection must be delayed for more than 5 working days when there is good cause; and
- Situations in which the OSHA area director determines that advance notice would produce a more thorough or effective inspection.

Employers who receive advance notice of an inspection must inform their employees' representative or arrange for OSHA to do so.

The Inspection Process

After the opening conference, the compliance officer and accompanying representatives proceed through the establishment to inspect work areas for safety or health hazards.

The route and duration of the inspection are determined by the compliance officer. During the inspection, the officer will:

- Observe safety and health conditions and practices,
- Consult with employees,
- Take photos and instrument readings,
- Examine records,
- Collect air samples,



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- Measure noise levels,
- Survey existing engineering controls, and
- Monitor employee exposure to toxic fumes, gases and dusts.

Trade Secrets

Trade secrets observed by the compliance officer will be kept confidential. An inspector who releases confidential information without authorization is subject to a \$1,000 fine and/or one year in jail. The employer may require that the employee representative have confidential clearance for any area in question.

Consulting With Employees

Employees are consulted during the inspection tour. The compliance officer may stop and question workers, in private, about safety and health conditions and practices in their workplaces. While talking with employees, the compliance officer makes every effort to minimize any work interruptions. Each employee is protected, under the OSH Act, from discrimination for exercising his or her safety and health rights.

Recordkeeping

OSHA places special importance on posting and recordkeeping. The compliance officer will inspect records of work-related deaths, injuries, and illnesses that the employer is required to keep. The officer will check to see that the 300 Log of Work-Related Injuries and Illnesses, 301 Injury and Illness Incident Report, and 300A Summary of Work-Related Injuries and Illnesses forms are up-to-date; that the 300A has been posted between February 1 and April 30, as required by law; and the OSHA 3165 "Job Safety and Health: It's the Law" workplace poster is prominently displayed. Where records of employee exposure to toxic substances and harmful physical agents have been required, they are also examined for compliance with the recordkeeping requirements.

The compliance officer also explains that, while the following items are not required for all OSHA standards, they should be recorded to accurately monitor and assess occupational hazards.

Initial and periodic monitoring for operations involving exposure, including:

- Date of measurement;
- Sampling and analytical methods used and evidence of their accuracy;
- Number, duration, and results of samples taken;
- Type of respiratory protective devices worn; and



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- Name, social security number, and the results of all employee exposure measurements. This record should be kept for 30 years.
- Employee physical/medical examinations, including:
 - Name and social security number of the employee;
 - Physician's written opinions;
 - Any employee medical complaints related to exposure to toxic substances; and
 - Information provided to the examining physician. These records should be maintained for the duration of employment plus 30 years.

Employee training records should be kept for one year beyond the last date of employment of that employee.

Communicating Hazards

The compliance officer also explains the requirements of the Hazard Communication Standard that requires employers to establish a written, comprehensive hazard communication program covering provisions for container labeling, material safety data sheets, and an employee training program. The program must contain a list of the hazardous chemicals in each work area and the means the employer will use to inform employees of the hazards of non-routine tasks.

Unsafe Workplace Conditions

During the course of the inspection, the compliance officer will point out to the employer any unsafe or unhealthful working conditions observed. At the same time, the compliance officer will discuss possible corrective action if the employer so desires.

Some apparent violations detected by the compliance officer can be corrected immediately. When they are corrected on the spot, the compliance officer records such corrections to help in judging the employer's good faith in compliance. Even though corrected, however, the apparent violations may still serve as the basis for a citation and, if appropriate, a notice of proposed penalty.

An inspection tour may cover part or all of an establishment, even if the inspection resulted from a specific complaint, fatality or catastrophe.

Closing Conference

After the inspection tour, a closing conference is held between the compliance officer, the employer, and the employer representative. It is a time for free discussion of problems and needs; and a time for frank questions and answers.



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The compliance officer discusses all unsafe or unhealthful conditions observed on the inspection and indicates all apparent violations for which a citation may be issued or recommended. The employer is also informed of appeal rights. No specific proposed penalties are indicated at this time; only the OSHA area director has that authority.

During the closing conference, the employer may wish to produce records to show compliance efforts and to provide information that can help OSHA determine how much time may be needed to abate an alleged violation.

When appropriate, more than one closing conference may be held. This is usually necessary when health hazards are being evaluated or when laboratory reports are required. If the employee representative did not participate in the opening conference held with the employer, a closing discussion is held with the employee representative, if requested, to discuss matters of direct interest to employees.

