

Lesson: OSHA Inspections

- Lesson Objectives:**
- Describe OSH Act authority, including the duties of compliance officers and system of inspection priorities.
 - Demonstrate OSHA's inspection process properly when you are selected as either an employee or employer representative.
 - Apply appropriate types of violations and the penalties in a given situation and summarize the appeal process and OSHA review process.
 - Determine which employer(s) is (are) to be cited based on the multi-employer citation policy

- Topics:**
- OSH Act Authority
 - OSHA Inspection Process
 - Citations and Penalties
 - Multi-Employer Citation Policy

Topic: OSH Act Authority

The Occupational Safety and Health Act (OSH Act) authorizes the Occupational Safety and Health Administration (OSHA) to enforce the standards that the Agency develops by conducting workplace inspections. Having completed this topic, you should be able to:

- Identify the duties of compliance officers
- Describe special circumstances where OSHA may give notice to the employer
- Describe a system of inspection priorities to help OSHA determine where to inspect

Topic summary:

Please take a moment to review these points before you continue with the next topic.

Compliance safety and health officers (CSHOs) are chosen and are authorized to:

- Enter without delay and at reasonable times any construction site where work is being performed
- Inspect and investigate all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials on the site
- Question privately any employer, owner, operator, agent, or employee
- There are some circumstances where OSHA may give notice to the employer. These are:
 - Imminent danger situations which require correction as soon as possible
 - Inspections that must take place after regular business hours, or that require special preparation
 - Cases where notice is required to ensure that the employer and employee representative or other personnel will be present
 - Situations in which the OSHA area director determines that advanced notice would produce a more thorough or effective inspection
- OSHA has established a system of inspection priorities to help determine where to inspect first:

- Imminent Danger
- Catastrophes and Fatalities
- Employee Complaints
- Programmed Inspections
- Special Emphasis Inspections
- Follow-Up Inspections

Topic: OSHA Inspection Process

In this topic you learned about OSHA's inspection process and its focused inspections. Having completed this topic, you should be able to:

- Describe OSHA's inspection process including preparation, opening conference, inspection tour, and closing conference
- Describe what you need to do as an employee representative or employer representative when a CSHO accompanies you during the inspection tour
- Describe the purpose of the focused inspection policy and four leading causes of fatalities and injuries on which the CSHO focuses

Topic summary:

Please take a moment to review these points before you continue with the next topic.

OSHA's inspection process consists of four steps: preparation, opening conference, inspection tour, and closing conference.

- The purpose of focused inspections is to recognize responsible general (or controlling) contractors who have implemented effective safety and health programs and encourage others to adopt similar programs before being inspected.
- The four leading causes of fatalities in construction and any observable serious hazards central to focused inspections are:
 - Falls from elevations
 - Struck by
 - Caught in or between
 - Electrical shock

Topic: Citations and Penalties

In this topic you learned about citations, penalties, the appeal process, and the OSHA review process.

After a CSHO reports the findings of an inspection, the area director determines if a citation should be issued and what penalties, if any, will be proposed. When OSHA has issued a citation or notice of a proposed penalty, the employer may request an informal meeting with the OSHA area director to discuss the case. If the written Notice of Contest has been filed, the OSHA area director forwards the case to the Occupational Safety and Health Review Commission (OSHRC) to start the OSHA review process.

Having completed this topic, you will be able to:



- Describe seven types of violations that may be cited and the penalties that may be imposed
- Estimate potential penalties based on the type of violations a company commits in a given situation
- Describe the appeal process and the OSHA review process

Topic summary:

Please take a moment to review these points before you continue with the next topic.

- These are the types of violations that may be cited and the penalties that may be proposed:
 - Other than serious violation
 - Serious violation
 - Willful violation
 - Egregious violation
 - Repeated violation
 - Failure to abate prior violation
 - De minimis violation
- The standard penalties for violations are:
 - Willful violation
 - Maximum..... \$70,000
 - Minimum.....\$5,000
 - Repeated violation
 - Maximum.....\$70,000
 - Serious, other-than serious, other specific violations
 - Maximum.....\$7,000
 - Failure to abate for each calendar day beyond abatement date.....\$7,000
- If the employer decides to contest either the citation, the time set for abatement, or the proposed penalty, he or she has 15 working days from receiving the citation and proposed penalty in order to deliver the Notice of Contest.
- In the OSHRC review process, the OSHA area director forwards the case to the OSHRC. The Commission then assigns the case to an administrative law judge. The judge may disallow the contest if it is found to be legally invalid, or a hearing may be scheduled for a public place near the employer's workplace.

Topic: Multi-Employer Citation Policy

In this topic you learned about the Multi-Employer Citation Policy as an alternative inspection. On multi-employer worksites (in all industry sectors), more than one employer may be cited for a hazardous condition that violates an OSHA standard. A two-step process must be followed to determine if more than one employer is to be cited.

Having completed this topic, you will be able to:

- Describe the two steps for determining multi-employer citation
- Determine if more than one employer is to be cited in a given situation

Topic summary:

Please take a moment to review these points before you continue with the next topic.

In the multi-employer citation policy step 1 is to determine whether the employer is one or more of the following:

- Creating
- Controlling
- Correcting
- Exposing

Step 2 is to determine if the employer's actions were sufficient to meet those obligations. That is, the employer:

- Did not create the hazard
- Did not have the responsibility or authority to have the hazard corrected
- Did not have the ability to correct or remove the hazard
- Notified the creating, correcting, and/or controlling employers of the hazard
- Instructed employees in how to recognize the hazard and how to avoid the dangers associated with the hazard
- In extreme circumstances, removed the employees from the worksite