HOW TO SURVIVE AN OSHA INSPECTION
An OSHA inspection can be a scary experience. Of course, if you’re one of those employers who neglect safety, there’s not a whole lot we can do to help you. The problem is that OSHA inspections can also be an ordeal for employers that care about safety and try to obey the rules but still get into trouble because they mismanage the inspection process.

We created this SPECIAL REPORT to help you understand the OSHA inspection process and show you how to minimize your risks of liability and disruption during OSHA inspections. Specifically, it explains:

- How OSHA decides whom to inspect, including the 2012 OSHA inspection plan;
- How inspections work; and
- What you can do to prepare for an OSHA inspection.

In addition to setting out strategies, tips and suggestions based on the good and bad experiences of companies that have gone through the inspection process, this SPECIAL REPORT includes more than a half dozen Checklists, Model Policies and other TOOLS you can use to implement the OSHA inspection strategies set out at your own workplace.

The moral: Running an effective safety program isn’t enough; to survive an OSHA inspection, you also need to understand the OSHA inspection process and how to handle OSHA inspectors.
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PART I: BACKGROUND

The Occupational Safety and Health Administration (OSHA) is part of the U.S. Department of Labor. In 1970, Congress passed and President Nixon signed a law that’s also called OSHA (for Occupational Safety and Health Act of 1970) designed to minimize work-related hazards and prevent work-related injuries, illnesses and deaths. One of the things the law did was to create an agency to administer and enforce that law. This is how OSHA came into being.

OSHA says its mission is “to assure the safety and health of American workers by setting and enforcing standards; providing training outreach, and education; establishing partnerships; and encouraging continual improvement in workplace and safety.”

The workplace inspection is the key element of the OSHA enforcement program. The purpose of these inspections is to ensure that all appropriate standards are being followed in the particular workplace being inspected. OSHA inspections are not conducted out of spite or to shut down your operation. Even so, there are potentially serious penalties for violations.

OSHA penalties can range, depending on how serious the violation is and how dangerous it is to workers, including:
- Up to $7,000 for Other Than Serious or Serious Violations;
- Up to $70,000 for Repeat or Willful Violations

The company’s attitude is a factor OSHA considers in imposing penalties. For example, perceived foot dragging or mistreatment by an employer might cause an OSHA inspector to characterize a violation as “willful” rather than “serious.” On the other hand, OSHA may keep the fine low if it thinks the company acted in good faith.

With this in mind, consider your shop floor. How many things can you think of off the top of your head that an OSHA Inspector might question? 3? 4? 8? 15? 1?

If you find just one problem, you might feel pretty good about things. But that may be a false sense of security. Consider how serious that problem is. Keep in mind that one hazard could mean one life.

PART I: QUIZ

1. “OSHA” is:
   A. The acronym of a U.S. law called the Occupational Safety & Health Act of 1970
   B. The acronym of a U.S. government agency called the Occupational Safety & Health Administration
   C. Both A & B
   D. Neither A nor B

2. The maximum penalty for a “willful” OSHA violation is:
   A. $700
   B. $7,000
   C. $70,000
   D. $700,000

3. True or False: An employer’s perceived attitude is one of the factors OSHA inspectors may consider in deciding what kind of penalty to impose.

Answers:
1. C
2. C
3. True
OSHA can’t inspect every workplace in the country. There are only about 2,100 inspectors. That includes inspectors from the 26 states that run their own OSHA State Programs.

OSHA inspects about 45,000 worksites per year; state agencies do about another 60,000 inspections.

That sounds like a lot. But when you consider how many workplaces there are in the U.S. and the fact that American workers suffer approximately 5 million occupational injuries and illnesses per year, you realize that the total number of inspections is just a drop in the bucket.

Statistically, then, the odds that your company will undergo an OSHA inspection are long. But all companies aren’t at equal risk of an inspection. Let’s look at how OSHA decides who to inspect and you’ll understand why.

OSHA’s General Inspection Priorities
Since OSHA can’t inspect everybody, it has established priorities for deciding who to inspect:

**OSHA’s 6 INSPECTION PRIORITIES**

**First Priority:** Inspections responding to reports of imminent dangers or accidents about to happen.

**Second Priority:** Inspections after fatalities or accidents serious enough to send at least 3 workers to the hospital (although OSHA has proposed to change this to 1 worker.)

**Third Priority:** Inspections in response to employee complaints.

**Fourth Priority:** Inspections in response to referrals from other government agencies.

**Fifth Priority:** Targeted inspections, including under the Site Specific Targeting (SST) Program which focuses on employers with high illness and injury rates, and special emphasis programs focusing on particularly hazardous work such as trenching. (See below for more information about OSHA targeted inspections.)

**Sixth Priority:** Follow-up inspections of employers previously inspected.
PART II: HOW OSHA DECIDES WHOM TO INSPECT, Cont’d

OSHA’s Targeted Inspection Programs
OSHA doesn’t pick its inspection targets from a hat. Increasingly, it has focused on companies it deems higher risk for targeted inspection.

A. The OSHA SST Program
The SST program is the centerpiece of OSHA’s targeted inspection program. You may be one of the roughly 15,000 companies who have gotten an SST letter from OSHA telling you that your abnormally high injury and illness rates have made you a candidate for comprehensive inspection. The SST is not a notice of inspection. But it’s just as scary. And if you don’t respond to the warning, you will be in line for an inspection.

**How SST Works:** Under the SST program, OSHA identifies facilities with higher than average rates of injuries and illnesses each year. To come up with its list, OSHA surveys nearly 80,000 workplaces and selects about 14,600 “high hazard facilities” based on their Days Away, Restricted, or Transferred (DART) rate and Days Away From Work Injury and Illness (DAFWII) rates.

There are actually 3 lists of “high hazard facilities”:

i. **Primary Inspection List** includes 3,700 sites with the highest DART or DAFWII rates (and/or failed to provide OSHA workplace injury and illness data for the previous year’s SST survey). OSHA tells Area Offices to inspect the “primary” sites first

ii. **Secondary Inspection List** includes sites with slightly lower—but still abnormally high—DART and DAFWII rates.

iii. **Tertiary Inspection List** is the next level of target. OSHA only gets to the tertiary targets in those rare instances where it runs through the entire primary and secondary list for the year.

B. OSHA NEPs & LEPs
The other most commonly used targeting program is the so called **National Emphasis Program (NEP)** which targets specific industries or hazards that OSHA deems to be high risk. There are currently 13 NEPs.

Local Emphasis Programs or LEPs are equivalent hazard- or operation/industry-based targeting programs carried out by state OSHAs and other state and regional authorities with OSHA’s blessing and cooperation. There are currently 140 LEPs in effect, many of which overlap with OSHA NEPs.
PART II: QUIZ

1. Manufacturing Company XYZ, which produces highly toxic chemicals, and has DART and DAFWII rates way above industry averages could be targeted for OSHA inspection under:

   A. The Site Specific Targeting program
   B. The National Emphasis Program for Process Safety Management
   C. A Local Emphasis Program for hazardous chemicals
   D. All of the above

2. List the following OSHA inspection priorities in order from most to least urgent, i.e., starting with the item that would trigger OSHA to inspect the plant involved most immediately:

   A. OSHA receives a safety complaint from a plant’s worker
   B. A fatality occurs at the plant
   C. OSHA receives a credible report suggesting a serious or fatal injury is about to occur at the plant
   D. The plant has above average DART and DAFWII rates

3. True or False: OSHA won’t inspect your facility if your DART and DAFWII rates are below average for your industry.

   Answers:
   1. D
   2. C, B, A, D
   3. False. Having lower DART/DAFWII rates just means that OSHA won’t target you for inspection under the SST program. However, you may still be subject to scheduled inspections under an NEP or LEP or follow-up inspections after previous cites, as well as unscheduled inspections in response to employee complaints, fatal or serious accidents or reports of imminent dangers.
The OSHA inspection process (and its aftermath) unfolds in 6 phases:

**THE 6 PHASES OF THE OSHA INSPECTION PROCESS**

**Phase 1:**
The OSHA inspector first shows up and presents credentials

**Phase 2:**
The opening conference

**Phase 3:**
The walkaround inspection

**Phase 4:**
The closing conference

**Phase 5:**
Citation & response

**Phase 6:**
Follow up inspection

**TIP**
Before exercising this right, remember that the inspector is only human. Making his/her job more difficult just to stall for more time to prepare may cause you more difficulties during your inspection. But if you have a good reason you shouldn’t hesitate to exercise your right to demand that the inspector get a warrant.

You can’t refuse to let a bona fide OSHA inspector enter your facility. But you may ask the OSHA inspector to get a warrant to conduct the inspection before entering and refuse entry without a warrant. Exceptions: You can’t refuse entry for lack of a warrant if you or one of your representatives has already given consent to the inspection or if there’s an emergency or urgent reason for the inspector to enter.

If the inspector does get the warrant, you must let her in. It’s also illegal to interfere with the inspector’s conduct of the inspection. But once the inspector is in, you may require her

**TIP**
As part of your training or orientation, tell staff in advance what to expect if an OSHA inspector shows up. Appoint a contact person and instruct her to notify other necessary company officials, escort the inspector directly to a pre-determined area (conference room or office), and remain with the inspector until a company official arrives. Tell the contact person not to take the inspector through any area but the designated area of your facility until you have determined the purpose of the inspection. (See PART IV below for more about how to prepare your staff to deal with OSHA inspectors.)

**TIP**
Ask to see the credentials of the OSHA inspector if they’re not presented to you - just as you would ask any stranger who shows up at your facility unannounced. Asking for credentials isn’t just your right; it’s essential for your own security and the security of your workers. But don’t cop an attitude. After all, a person who shows up claiming to be an OSHA inspector is likely to be who he claims to be. Be polite and non-confrontational when asking for credentials. If the visitor refuses to show credentials, take the necessary security precautions as instructed by your company policy guidelines.

PHASE 1: WHEN THE INSPECTOR FIRST SHOWS UP

OSHA usually conducts inspections during the regular working hours of a workplace. With some exceptions, OSHA inspectors usually show up unannounced.

When the inspection begins, the OSHA inspector must present credentials to the owner, owner representative, operator or agent in charge.
PART III: HOW THE OSHA INSPECTION WORKS, Cont’d

Scope of the Inspection
The inspector will also explain the scope of the inspection, i.e., how comprehensive it will be. Scope of inspection varies depending on the situation, the facility and reason for the inspection. OSHA conducts 2 kinds of inspections:

Comprehensive Inspections: These are the most thorough inspections. During a comprehensive inspection the inspector looks at all or substantially all potentially hazardous conditions, operations, and practices within your workplace.

Partial Inspections: These inspections are limited to certain potentially hazardous areas, operations, conditions or practices at the workplace. However, OSHA inspectors have discretion to convert a partial inspection to a comprehensive one if they find indications of problems during earlier phases of the inspection.

PHASE 2: THE OPENING CONFERENCE
The inspector has to notify “all affected employers” of the inspection’s purpose and furnish a copy of the complaint, if there is one. Before conducting the inspection, the inspector is supposed to hold a brief meeting with employers and employees called the opening conference. During the conference the inspector will explain why he’s there and what to expect during the inspection. He might also distribute pamphlets or other handouts.

The opening conference is critical because you have a right to know the purpose and reason for the inspection.

Shielding Documents from OSHA Inspectors
Throughout the inspection process, OSHA inspectors will ask for access to records and other company materials it can use to determine what company representatives knew or should have known about particular hazards and decide what measures to take in response to them.

Not letting OSHA inspectors see the materials they’re entitled to see makes you liable for obstructing the inspection process and get you into even deeper trouble. But at the same time, OSHA’s inspection powers are subject to your legal rights. For example, OSHA inspectors may need to get a search warrant to access certain documents.

There are 2 other common situations where an employer’s rights and liberties might trump the OSHA inspector’s powers and allow for legally withholding information OSHA requests:

Situation 1: Materials Protected by Attorney-Client Privilege
Employers have the right to not disclose information and materials prepared for use by their attorneys that are protected by something called attorney-client privilege. But there are complicated rules you need to navigate to establish, maintain and invoke “privilege.”

TIP
If you understand the purpose or reason, politely ask the inspector for an explanation. Demonstrate your willingness to cooperate and participate. Don’t hide anything, but don’t open yourself up by offering information not relevant to the purpose of the inspection during the opening conference.

There are 2 kinds of opening conference. In a joint conference the investigator meets with both the employer and the employees or employee representative at the same time. Inspectors are supposed to encourage joint conferences in the interest of open communication. But if the employer or employees object, the inspector will conduct separate conferences with each group.

FOR MORE HELP ON ATTORNEY-CLIENT PRIVILEGE
Click here to find out how to use attorney-client privilege to shield internal documents from OSHA inspectors.

Click here for a Model Memo to your attorney that you can adapt to ensure that documents are protected by attorney-client privilege.
PART III: HOW THE OSHA INSPECTION WORKS, Cont’d

Situation 2: Materials Considered Trade Secrets

The OSHA laws also give employers the right to withhold requested materials that are considered trade secrets. As with attorney-client privilege, the OSHA trade secret protection rules are complex and you need to jump through all of the right hoops to invoke them.

FOR MORE HELP ON TRADE SECRET PROTECTION

Click here to find out how to protect trade secrets during OSHA inspections
Click here for Model Instructions telling your staff what they must do to keep trade secrets confidential during the OSHA inspection
Click here for a Model Form you can adapt to request trade secret protection from OSHA.

PHASE 3: THE WALKAROUND INSPECTION

The walkaround is the most crucial phase of the inspection. It’s where the inspector walks around your workplace looking for potential safety and health hazards and evaluates whether you’re in compliance with OSHA standards.

One of the first things an OSHA inspector will do is ask if you want a representative to participate in the inspection. According to the regulations, one or more employer and/or employee representative may accompany the inspector “throughout or during any phase of an inspection if the [OSHA Inspector] determines that such additional representatives will aid, and not interfere with, the inspection” (29 CFR 1903.8(a)).

Having an employee or employer representative accompany the inspector is an important right. But the inspector may refuse to let representatives participate if they interfere with the inspection.

TIP

Training a representative in advance how to monitor an inspector is a good way to protect yourself. For example, there have been situations in which violations were dismissed because the employee representative noticed that the inspector had done something improper.

During the walkaround, OSHA inspectors may:

Take photographs and/or videotapes if they consider it necessary. For example, the inspector may want to take a picture of a machine that lacks a proper guard to document a violation. You have a right to get a copy of any photographs, video tapes, or voice recordings taken during the inspection. You’re also guaranteed that any trade secrets or confidential business information contained in such photographs, videotapes and voice recordings will be kept confidential.

Tool—Model Walkaround Instructions for Representatives

Click here for model instructions for representatives to follow while accompanying OSHA inspectors during the walkaround inspection.

TIP

In a comprehensive inspection, inspectors can look at just about anything. But most inspections are limited. In a limited inspection, inspectors may photograph or tape only things that relate to the subject of the investigation. So, for example, it would be inappropriate for an inspector to photograph a piece of equipment in the boiler room if she’s investigating a complaint about ergonomically unsafe keyboards in the office. Exception: Inspectors may widen the scope of an investigation if they notice an imminent danger during the walkaround.

Collect samples, including air and/or surface sampling. You have the right to get summaries of the results—but only if you request them.

Interview employees to ask them to point out hazardous conditions and to determine if advance notice of inspection (in the rare event that there was advance notice of the inspection) has affected the inspection conditions. Inspectors can interview employees in private if they think it necessary. Employee statements are confidential but can be used in court hearings. Although generally held during the walkaround, employee interviews may be held at any time during the inspection.

Review records like OSHA 300 logs and accident reports. This may occur before, during, or after the walkaround.
PART III: HOW THE OSHA INSPECTION WORKS, Cont’d

Let you fix a problem on the spot. The inspector may offer suggestions or help in correcting any deficiencies or hazards noted during the walkaround. She may even give you an opportunity to fix the problem before the end of the inspection to avoid getting a citation.

PHASE 4: THE CLOSING CONFERENCE
After the actual inspecting is over, the inspector will hold a closing conference to describe the results of the inspection, including any violations found and how long you have to correct them. Like the opening conference, the closing conference is attended by the employer and employee representatives, either jointly or separately, depending on the circumstances.

TIP
If you paid attention during the walkaround you’ll probably know what violations or concerns the inspector will bring up during the closing conference. Be prepared to provide explanations and estimates of when you can abate those violations at the closing conference.

The inspector may hold a second closing conference in person or by phone if he didn’t have all the necessary information at the first conference.

PHASE 5: CITATION & RESPONSE
If you get cited you’ll receive copies of the citations by certified mail. The citation will list an abatement date, that is, a deadline for correcting the problem.

TIP
Ask the inspector to fax you the citations as soon as they’re ready, instead of waiting for them to arrive via certified mail.

You must post copies of any citations you receive in a part of your workplace that’s accessible to all employees and leave them posted for at least 3 days or until you abate the violation.

If you get cited, you have 2 basic choices: Settle or contest.

Option 1: Settle/Abate
One option is to accept the citation, pay the fines and/or abate the dangerous condition you were cited for. The abatement deadline must be “reasonable.” If you think you can’t abate the problem by the deadline you can file a letter known as a “petition” formally requesting an extension. Filing a petition that meets OSHA requirements essentially stops the clock and gives you enough time to continue your work on correcting the problem. But rules apply:
PART III: HOW THE OSHA INSPECTION WORKS, Cont’d

- You can’t petition for an extension unless you first make a “good faith effort” to meet the abatement date listed in the citation;
- To get the extension, you must show that reasons beyond your control prevented you from correcting the violation by the abatement date;
- You must send the petition to the Area Director of the U.S. Department of Labor who issued the citation no later than the close of business on the next working day after the original abatement date listed in the citation. For example, if the abatement date is December 12, 2012, your petition must be filed by Dec. 13, at the latest;
- You must include the right information in your petition, including:
  - Date of request and identifying information such as the official OSHA inspection number listed on the CNP and the inspection date;
  - Steps you took to try to correct the violation by the abatement date;
  - How much more time you need and why;
  - Interim steps you’ll take to preserve safety until abatement is complete; and
  - Certification that you posted the petition.

Option 2: Contest the Citation

The other option is to appeal or “contest” the citation by filing a document called a “notice of contest” that lets OSHA know you plan to contest and puts the citation and order to abate on hold until the contest is decided.

FOR MORE HELP—CONTESTING OSHA CITATIONS

Click here to find out how to contest an OSHA citation.

Click here to find out about the risks and benefits you need to consider in deciding whether you should contest a citation.

Click here for a Model Notice of Contest you can adapt if you decide to challenge an OSHA citation.

PHASE 6: FOLLOW UP INSPECTION

OSHA may do a follow up instruction to make sure you corrected the violations you were cited for.

If it’s expected to take a long time for an employer to fix a problem, OSHA may also do what’s called a monitoring inspection to ensure that hazards are being corrected and employees are being protected while the abatement proceeds.

OSHA won’t normally do a follow up or monitoring inspection if you provide evidence that you’re abating the problem. Such inspections are generally used when an employer has been cited for willful violations, or repeat and very serious ones. Follow up or monitoring inspections are also more likely to be used when the citation is because the employer didn’t abate a violation and/or the violation creates an imminent danger.

If OSHA approves your request, somebody from the agency will let you know no later than 15 working days after the date you posted the petition at your workplace or sent the copy to the workers’ representative.

If OSHA denies your request, it will forward your file to the Occupational Safety and Health Review Commission within 3 working days after expiration of the 15-working-day period. The petition will then be subject to further review.

If you don’t hear from OSHA after the 15-working-day period, it’s a good idea to check on your request.
PART IV: PREPARING FOR OSHA INSPECTIONS

The mission of this SPECIAL REPORT is to make sure you’re prepared for an OSHA inspection. After all, preparation is crucial to surviving OSHA inspections.

Outlining how the OSHA inspection works and the strategies to use in each stage of the process should, we believe, go a long way in getting you, the safety director, ready to face the OSHA inspector.

But there’s one more critical element: ensuring that your workers are prepared for OSHA inspections.

Keep in mind that when OSHA inspectors show up at a workplace, the first people they usually encounter are the workers and supervisors at the site. What transpires between those workers and the inspector in those few moments can make or break the inspection.

Cooperation vs. Self-Incrimination

The start of the inspection is the crucial period and one fraught with tension. One false or rude remark by a worker and you might be in for a rough ride. That’s why most companies tell their workers to be courteous and cooperative. In fact, there’s a legal duty to extend cooperation to OSHA officials.

On the other hand, you don’t want your workers to be too cooperative. While inspectors have authority, inspectees also have legal rights during the inspection process. Caving in to—or worse, anticipating—the inspector’s every demand can compromise your legal position. More than one company has been hit with citations or higher fines because their workers gave away the store.

Create Policy Telling Workers How to React to Inspectors’ Requests

OSHA inspectors aren’t gods. They can’t just help themselves to whatever they want. Their authority is subject to your rights. The problem is that you need to understand and assert those rights.

For example, you might have to turn down an inspector’s demands for certain information the government isn’t entitled to see, such as privileged audit reports. If you just roll over, you might end up forfeiting your rights.

Situations like this are why it’s so important to train your workers to respond when OSHA inspectors appear at your door. One good way to get your point across is to adopt a company-wide policy. Appendix A of this SPECIAL REPORT sets out a Model Policy you can adapt. Although it needs to be adapted to your situation, the Model Policy is an excellent baseline because it includes the things you want to include in your own version. Like the Model Policy, your policy should tell workers:

Who to Alert: Workers – particularly lower level staff apt to make first contact with the inspector, such as front desk attendants and receptionists — should be instructed to contact a proper company representative before letting an OSHA inspector into the facility. A knowledgeable person — such as a job foreman or business owner — should always meet with the inspector to determine the scope of his investigation and accompany him through the facility. Lawyers say that in most cases an inspector will wait up to 30 minutes for a company representative to come to the jobsite.

What to Ask: Tell the appropriate supervisor or manager at a job site to ask the inspector certain key questions so you can determine what the inspection is about and decide how to respond to it. Example: After discovering that an inspection was prompted by a complaint, a safety representative for a construction company directed an OSHA inspector to the machine that caused the injury and showed him how the company had since made the equipment safer with additional machine guards. The inspector was satisfied to limit his inspection to the area that the complaint focused on.

Key questions to ask an inspector include:

▶ What is the scope of the inspection—that is, what does the inspector plan to inspect?
PART IV: PREPARING FOR OSHA INSPECTIONS, Cont’d

> What’s the reason for the inspection—is it a random visit, a programmed inspection or in response to a complaint?
> What workplace records does the inspector propose to review?
> Which workers and company officials does he want to interview?

If a supervisor or manager isn’t available to ask these questions, the next-highest level official at the jobsite should. Or, somebody should ask the inspector to wait until a company representative arrives.

**What to Say:** While workers should be instructed to be courteous and cooperative, they should also be advised not to befriend the inspector or offer information that isn’t asked for. Nor should they offer opinions such as about whether something is in compliance. In addition, instruct workers to keep a detailed record of any conversations they have with OSHA inspectors and list any documents they hand over.

**What Their Rights Are:** If an inspector does interview your workers, make sure they know they can have a lawyer or company representative present at the interview. This is important because it protects your company and lets you know what the inspector may use in a subsequent prosecution.
HOW TO SURVIVE AN OSHA INSPECTION

APPENDIX A: USE MODEL POLICY TO PREPARE STAFF FOR OSHA INSPECTIONS

THE PROBLEM: When OSHA inspectors show up at a workplace, the first people they usually encounter are the workers and supervisors at the site. What transpires between those workers and the inspector in those few moments can make or break the inspection. That’s why it’s essential to prepare your workers and supervisors for such encounters.

HOW TOOL HELPS SOLVE THE PROBLEM: Here's a Model Policy that you can adapt telling front line personnel likely to encounter OSHA inspectors what to do if an inspector shows up.

ABC COMPANY OSHA INSPECTION RESPONSE POLICY

PURPOSE
This document has been prepared to communicate ABC Company policy on the procedures to follow when an inspector from the federal or state Occupational Safety and Health Administration (“OSHA”) arrives at one of Company ABC’s jobsites. This policy applies to all workers, supervisors, forepersons, line managers and other personnel (which we’ll refer to collectively as “Employees”).

POLICY
Employees shall immediately notify Company ABC’s safety representative when an OSHA inspector or representative is at a jobsite. An executive-level manager or, if none is available, the highest ranking Employee who is available shall meet with the inspector and ask him/her to refrain from beginning the inspection for at least 30 minutes until the one-half hour or until the safety representative or another Company representative arrives. If no one arrives within one-half hour, or if the inspector refuses the request, the Employee shall accompany the inspector throughout the inspection in accordance with the following procedures.

PROCEDURES
All Employees responding to a request by an OSHA inspector to investigate a jobsite shall:

1. **Initial Meeting:** Meet with the inspector before the inspection takes place to determine the scope of the inspection. Employees should ask whether the inspection is random or the result of a complaint or imminent hazard. Employee should try to ensure that the inspector limits the inspection to the purpose he/she states is the purpose of the inspection.

2. **Credentials:** Ask the inspector for his/her credentials before allowing the inspector to gain entrance to the jobsite. No one will be allowed to enter a jobsite without proper credentials, such as an identification badge indicating that the inspector is an OSHA representative.

3. **Warrant:** Ask if the inspector has a warrant.
   a. If the inspector has a warrant, Employee shall inspect the warrant to determine whether the inspection is limited to a particular area of the jobsite.

b. [Optional] If the inspector does not have a warrant, Employee shall demand that the inspector obtain one and return at a later date.

c. If the inspector has a warrant, Employee shall direct the inspector to the areas listed in the warrant, but not refuse his request to inspect other areas. OSHA inspectors shall be permitted to inspect all aspects of the jobsite, regardless of the areas listed on the warrant. In such an event, Employee shall simply state to the inspector that the area he is inspecting is not listed on the warrant and the search may not be permissible.

4. **Accompany:** Employee shall accompany the inspector at all times during the inspection.

5. **Interviews:** Employee shall allow the inspector to interview other workers. All workers have the right to be accompanied by an attorney and a company representative must be present at all interviews. Employee shall take notes of all conversations the inspector has with the representative and other workers.

6. **Records:** Employee shall keep a detailed record of all documents turned over to the inspector. Do not give the inspector free access to document storage. Instead, provide only those documents that the inspector requests and make a copy of each document before turning it over.

7. **Courtesy and Cooperation:** Remain as calm and polite as possible. Be courteous and answer questions truthfully, but do not offer information that the inspector hasn’t asked for or make guesses when responding to questions. Avoid making any statements that could be construed as an admission of violating any laws or regulations, and don’t speculate as to how any accidents occurred.

8. **Correct Hazards:** If possible, immediately correct any hazards that are found during the inspection before the inspection ends.

9. **Closing Conference:** Meet with the inspector for a closing conference. Take notes of any alleged violations and requirements for corrective action. Ask whether there will be a follow-up inspection and if so, when such an inspection is expected to take place.