



Risk Insights

How to Interact with an OSHA Inspector

The best way to avoid paying fines for violating OSHA standards is to always be prepared for an inspection. Since an OSHA officer has no obligation to inform an employer of the inspection ahead of time, the visit will usually be unannounced. However, companies in industries with particular hazards and companies who have previously experienced a death in the workplace are most vulnerable to an OSHA inspection. Planning for an assessment before it happens will make it go more smoothly, allow you to be in control and create a positive impression on the OSHA officer, all of which will result in fewer citations.

To be fully prepared, it is important to decide in advance who will be designated to each of the following roles: person to greet the inspector, guide for inspector during the walk-around of the facility and photographer to document any alleged violations. Make sure you have your OSHA log, if required to keep one, for the past five years in all locations organized and ready to produce for the inspector if requested. Failure to produce these or any other documents requested by the OSHA inspector could result in hefty fines.

What to Do When an OSHA Inspector Arrives

- Greet the officer cordially, but ask to see his credentials right away if he does not immediately present them. It is not enough that the officer produces credentials – be sure to verify them by calling the nearest federal or state OSHA office.
- Notify your designated inspection team of OSHA's arrival and gather them for an opening conference with the compliance officer. You have the right to know why the inspector is visiting your facility, so if he does not specify, be sure to politely ask. Also establish whether the inspection is to cover the entire facility or only the areas involving a particular complaint.
- Have the designated employer representative lead the OSHA officer during the inspection. If requested by employees, a selected representative may also attend the walk-through on their behalf. Ensure that the inspector minimizes any work interruptions during the inspection.
- Show only the sections of the facility that the officer came to inspect. Be aware that if an officer sees a violation of OSHA standards in open view, he can legally expand the inspection beyond the previously established boundaries.
- Correct any apparent violations detected by the officer *immediately* and *on the spot*. The officer will record this and take your good faith actions into account when assessing citations and fines.
- Be courteous and professional, but only produce documents or information when they are requested, and respectfully insist that the inspector not wander off alone.
- Note all of the inspector's observations and take photos of the alleged violations. Do not argue with the officer on site as to whether something is in violation of OSHA standards.
- The compliance officer will conduct a closing conference. At this point, he will give you a list of all unsafe or unhealthy conditions found during the inspection. The officer will tell you which violations he will recommend as citations, and this is your opportunity to discuss how much time you would need to correct these hazardous conditions. However, it is not appropriate to ask about fines or

penalties at this time, as only the OSHA area director has the authority to do so after receiving the officer's full report.

I Just Finished an OSHA Inspection. What Can I Expect in Terms of Fines?

Fines are assessed at five levels, and the dollar amounts listed below are for one violation. For example, even though a serious violation will cost your company anywhere from \$1 to \$7,000, you could have five serious violations, each one costing you \$7,000 for a total of \$35,000.

- De Minimus Violation = No monetary fine assessed, serves as a warning
- Other than serious violation = up to \$7,000
- Serious violation = \$1 - \$7,000
- Repeated violation = up to \$70,000
- Willful violation = \$5,000 - \$70,000

The next step in the process will be accepting the citation, paying the fine(s) and correcting the problem or contesting the assessed citation and fines. Be sure to research the differences in OSHA policies if your state has its own OSHA-approved system, and contact your broker for more information on how you can keep your OSHA log organized to calculate risk of an OSHA inspection and avoid further assessments.