

Managing Safety Consultant Juan S. Garcia



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OSHA Knocking on your Door



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OSHA ACT OF 1970

Public Law 91-596

- The OSHA Act is known by several names
- The OSH Act is comprised of 34 Sections

OSH Act

Occupational
Safety &
Health
Act of 1970

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Preparing for an OSHA Inspection

- Who will determine if OSHA is allowed to inspect, or if a warrant will be demanded?
- Who will be the employer's principal liaison with OSHA and collective bargaining representatives, if any?
- Who will accompany OSHA during the walk-around inspection?
- Who will gather documents and arrange for employee and management interviews?
- Who will determine whether counsel is needed to assist with the inspection? If so, who will have authority to engage counsel?

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Preparing for an OSHA Inspection

- Employers are required to produce certain OSHA requested documents within a specified time frame during an inspection. Here are the key time limits:
- 4-Hour Rule: Employers must produce OSHA 300 Logs and OSHA 300A Annual Summary forms within four business hours of OSHA's request.
- 8-Hour Rule: Employers must report work-related fatalities within eight hours of learning of the incident.
- 24-Hour Rule: Employers must report work-related in-patient hospitalizations within 24 hours of the incident.

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What is public Law 91-596?

1. The OSHA ACT
2. The general duty clause
3. The OSHA Act of 1970
4. 5 (A) (1)
5. Both 1 & 3

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Documents that may be required by OSHA

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
www.dir.ca.gov/DCOSH

DOCUMENT REQUEST

EMPLOYER: _____ DATE: _____ Postmark by: _____
EMPLOYER CONTACT: _____ Cal/OSHA Inspector: _____

As discussed during the inspection on _____, it has been determined that copies of the following documents are required for review. Please provide the Cal/OSHA inspector with the required copies by the "deadline" date noted above. If the copies are not provided by that date, it will be interpreted as an admission that the documents do not exist, and possible citation and monetary penalties could result.

Document	Deadline
() Licenses & Permits: () Bureau License () State Fire Marshal () Cal/OSHA () Cal/OSHA () Fire-Labor Contract	Rec'd _____
() Facility Layout (floor plan, evacuation routes, etc.)	Rec'd _____
() OSHA Log 300 (Form 101) _____	Rec'd _____
() OSHA 300A (Employer's Annual Summary of Injury and Illness)	Rec'd _____
() OSHA 301 (Worker's Compensation Claims)	Rec'd _____
() Workers' Compensation Insurance Carrier	Rec'd _____
() Injury and Illness Prevention Program (written safety program) § CCR 1501	Rec'd _____
() Safety Inspection Records	Rec'd _____
() Employee Training Records	Rec'd _____
() Safety Committee Meeting Minutes	Rec'd _____
() Heat Illness Prevention Program § CCR 1505	Rec'd _____
() First Aid Kit approval § CCR 1506	Rec'd _____
() Emergency Action Plan § CCR 1520	Rec'd _____
() Fire Prevention Plan § CCR 1521	Rec'd _____
() Hazard Communication Program § CCR 1524	Rec'd _____
() Material Safety Data Sheets, etc.	Rec'd _____
() Respiratory Protection Program § CCR 1544	Rec'd _____
() Hearing Conservation Program (Noise) § CCR 1507	Rec'd _____
() Exposure Control Plan (Bloodborne Pathogens) § CCR 1543	Rec'd _____
() Workplace Exposure Records/Monitoring Records	Rec'd _____
() Chemical Hygiene Plan § CCR 1541	Rec'd _____
() Carcinogen Registration § CCR Article 110	Rec'd _____
() Permits - Variances, etc.	Rec'd _____
() Maintenance Records of Equipment	Rec'd _____
() Safety Instructions - Equipment Manuals	Rec'd _____
() _____	Rec'd _____
() _____	Rec'd _____

If you require an extension of time in order to satisfy this request, please contact the Cal/OSHA Inspector identified with your inspection at the phone numbers above **before** the deadline.

INSPECTION NO. _____ INSPECTOR ID. _____ OPT RPT NO. _____
CALIFORNIA (LVS00000)

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Documents that may be required by OSHA Cont.

- Hazard Communication Program (including Safety Data Sheets)
- OSHA 300 log (injury and illness records) — typically up to three years; sometimes five years if relevant
- OSHA 300A summary (annual summary of 300 log data)
- OSHA 301 incident report (for each injury/illness)

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Documents that may be required by OSHA Cont.

Additional documents based on inspection focus: *If the inspection is triggered by a specific hazard or program, OSHA may request:*

- PPE program and related assessments if the issue is personal protective equipment
- Lock-out/Tag-out (LOTO) program if under the Amputation National Emphasis Program
- Air contaminant monitoring records and respiratory protection program if air quality is a concern
- Bloodborne Pathogens Program and possibly ergonomics program for nursing homes
- Fall protection program and related training records for construction sites
- Training records for specific safety topics (e.g., confined space, hot work)

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How much time do you have to provide OSHA with an OSHA 300 log

1. 8 hours
2. 24 hours
3. At the end of the inspection
4. 4 hours

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OSHA Arrives at your Company

- Have the OSHA Compliance Officer sign in the with the purpose of their visit.
- Ask the OSHA compliance Officer to wait in a conference room (They could wait up to 1 Hour). Ideally a room with no window
- Contact management e.g. (Safety Manager, Operations Manager) or the designated person who will deal with OSHA.

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CSHO Opening Conference

- ☐ Introduce themselves with their photograph, name, title, and legal authorization to enter the facility.
(Credentials)
- ☐ Explain the reason for the inspection — for example, an employee complaint, imminent danger, fatality, or targeted inspection.
- ☐ Describe the scope and basis of the inspection — which establishments, areas, and standards will be reviewed.

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Escorting OSHA throughout your facility

Escort, Don't Let Them Wander

- Lead the inspector to the specific area of concern, then return them directly to the main office or meeting area. Avoid letting them roam freely through other parts of the facility.

Limit Real-Time Observations

- High-hazard activities (e.g., welding, fall protection, lockout/tagout) are hard to control in real time. Escorting ensures they're only observed in the targeted area.

Document the Process

- Keep a record of the inspection scope and your escort actions in case of follow-up.

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Answering the OSHA compliance officers' questions

- Answer questions truthfully, but avoid volunteering unnecessary information.
- Only provide facts, not guesses or opinions.
- Keep your answers to a yes or no. Avoid showing the compliance officer how much you know.
- Admissions -- such as agreeing that a condition is a violation -- must be avoided.

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Techniques OSHA uses to gather their information

- Does the company have a Hazardous Communication Program?
- Next question: When was the last time employees were training in hazardous communications?
- Are employees required to wear hearing protection?
- How are your employee dealing with excessive heat in the work area? Show me the company's Heat Illness prevention Plan.

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Questions to ask the compliance officer

- I noticed you took a picture in this area. What exactly did you take a picture of?
- If the compliance office ask an employee a question?
- How long have you been working as an OSHA compliance Officer.

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OSHA Closing Conference

- How many violations were noted
- Are the violations that were corrected during inspection going to be on the report?
- OSHA compliance office leaves your site.

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