

Mock OSHA Audit – What to Expect and How to be Prepared

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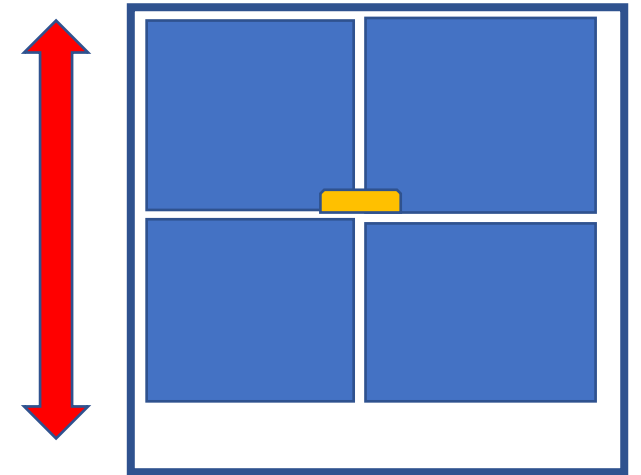


Mock OSHA Audit – Understanding What to Expect and How to Be Prepared


Decisions Require Trade-offs

Know where your RISK WINDOW is... how open is it?

- We Are In Control, By The Decisions We Make
- Decisions Require Trade-offs
- Do You Know What You Are About To Trade-off?



- **Make An Informed Decision, Minimize The Risk**



Mock OSHA Audit – Understanding What to Expect and How to Be Prepared

What we will cover:

- a) Which OSHA will visit you (State or Federal),
- b) What can trigger a visit,
- c) What to expect from the onset to closure,
- d) Opening conferences, records and program reviews,
- e) Physical inspections (walk-through),
- f) Employee interviews,
- g) Closing conference,
- h) What to do should a citation be issued, and;
- i) Resources available to you(self-inspection).

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What Are OSHA Standards?

OSHA standards are:

- Rules that describe the methods employers must use to protect employees from hazards
- Designed to protect workers from a wide range of hazards

Where there are no specific standards, employers must comply with the General Duty Clause of the OSH Act.

Four Groups of OSHA Standards


General Industry*

Construction

Maritime

Agriculture

**General Industry is the set that applies to the largest number of workers and worksites*



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State vs Federal Programs

State Plans are OSHA-approved workplace safety and health programs operated by individual states or U.S. territories. There are currently 22 State Plans covering both private sector and state and local government workers, and there are six (6) State Plans covering only state and local government workers.

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What Responsibilities Does An Employer Have Under OSHA

- Provide a workplace free from recognized hazards and comply with OSHA standards
- Provide training required by OSHA standards
- Keep records of injuries and illnesses
- Provide medical exams when required by OSHA standards and provide workers access to their exposure and medical records
- Not discriminate against workers who exercise their rights under the Act (Section 11(c))
- Post OSHA citations and hazard correction notices
- Provide and pay for most PPE


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Employer Responsibilities *(cont.)*

REPORTING AND RECORDING CHECKLIST

Employers must:

- ✓ Report each worker death to OSHA*
- ✓ Report each work-related hospitalization, amputation, or loss of an eye *
- ✓ Maintain injury & illness records
- ✓ Inform workers how to report an injury or illness to the employer
- ✓ Make records available to workers
- ✓ Allow OSHA access to records
- ✓ Post annual summary of injuries & illnesses



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What Can Trigger a Visit?

An Employee Complaint

Follow-up to a Reported Accident- Serious Injury or Fatality*

An OSHA Planned Visit-Part of an Industry or Exposure Focus
(Local or Nationally)

As Part of a Consultation-VPP

* Mentioned as an Employer Responsibility Previous Slide-This is Required for All Employers

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Employee Files a Complaint With OSHA


- Workers may file a confidential complaint with OSHA if they believe a violation of a safety or health standard, or an imminent danger situation, exists in the workplace
- Workers may request that their name not be revealed to the employer
- If a worker files a complaint, they have the right to find out OSHA's action on the complaint and request a review if an inspection is not made....

Note:
Often the best and fastest way to get a hazard corrected is to notify your supervisor or employer.

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Employee Participation in an OSHA Inspection

- Employee representative can accompany OSHA inspector
- Workers can talk to the inspector privately
- Workers may point out hazards, describe injuries, illnesses or near misses that resulted from those hazards and describe any concern you/or they have about a safety or health issue
- Workers can find out about inspection results, abatement measures and may object to dates set for violation to be corrected



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Employees Are Free from Retaliation

- Workers have the right to be free from retaliation for exercising safety and health rights
- Workers have a right to seek safety and health on the job without fear of punishment
- This right is spelled out in Section 11(c) of the OSH Act
- Workers have 30 days to contact OSHA if they feel they have been punished for exercising their safety and health rights

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How Are OSHA Inspections Conducted?


- The OSH Act authorizes OSHA compliance safety and health officers (CSHOs) to conduct workplace inspections at reasonable times
- OSHA conducts inspections without advance notice, except in rare circumstances (e.g. Imminent Danger)
- In fact, anyone who tells an employer about an OSHA inspection in advance can receive fines and a jail term



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Stages to an OSHA Inspection- What to expect from the onset to closure

- Opening Conference
- Walk Around Inspection
- Closing Conference
- Afterwards



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Opening Conference

During the Opening Conference:

- Inspector will ask many questions:
 - Size of company
 - NAICS Code formally SIC Code
 - Union or not
 - Size of building or facility
 - Number of facilities
 - Types of operations
 - Review of safety programs

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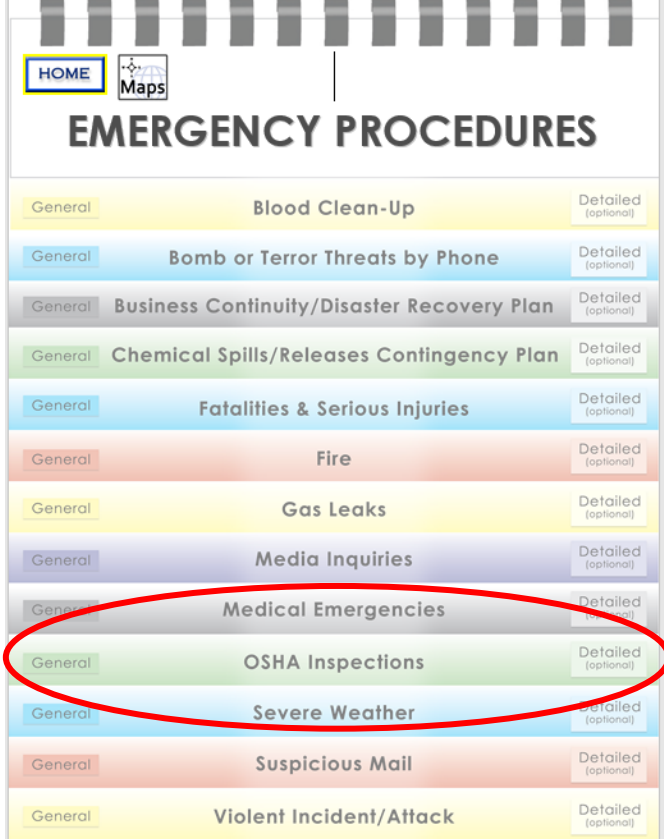
Opening Conference cont.

- Will describe OSHA's General Duty Clause or 5(a)
 - *All employers shall provide a workplace free from recognized hazards.*
- OSHA will talk to employees alone or with union representatives, no management representatives allowed.
 - These employees need to be free from any type of retaliation, discrimination, etc. from talking to the inspector.

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OSHA Visit


- OSHA was Here = Emergency??
- Why Me? (Misery Does Not Love Company)
 - Types of Visits and how they are generated
 - Follow-up
 - Industry Best Practice



HOME Maps

EMERGENCY PROCEDURES


General	Blood Clean-Up	Detailed (optional)
General	Bomb or Terror Threats by Phone	Detailed (optional)
General	Business Continuity/Disaster Recovery Plan	Detailed (optional)
General	Chemical Spills/Releases Contingency Plan	Detailed (optional)
General	Fatalities & Serious Injuries	Detailed (optional)
General	Fire	Detailed (optional)
General	Gas Leaks	Detailed (optional)
General	Media Inquiries	Detailed (optional)
General	Medical Emergencies	Detailed (optional)
General	OSHA Inspections	Detailed (optional)
General	Severe Weather	Detailed (optional)
General	Suspicious Mail	Detailed (optional)
General	Violent Incident/Attack	Detailed (optional)



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Walk Around Inspection


- OSHA inspector has various inspection tools including a camera.
- Take Pictures & Notes as you walk with the inspector.
- OSHA will document hazards and ask questions about operations.



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Employee Interviews

- Take notes as you walk with the inspector and they openly interview employees.
- OSHA will ask questions about operations, programs and training.



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What Are They Looking For?

- The OSHA inspector has been trained in hazard recognition. *The CO is looking for hazards.*
- Several areas that the OSHA inspector will likely be looking for will be covered in the next slides...

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Opening Conference Program Review


- Health & Safety Program – AWAIR
- OSHA 300 (usually the past three years)
- Hazard Communication / Right To Know
- Powered Industrial Trucks (Forklifts)
- Lock Out Tag Out or LO/TO
- Emergency Action Plan / Fire Prevention
- Confined Space Entry Program
- Hearing Conservation Program
- Overhead Crane Inspection Program

These are general examples



OSHA Closing Conference


- OSHA will tell you the violations they are citing and set abatement dates that must be met. Also, may make suggestions to fix items noted during the walk around.
- Describe the types of violations:
 - Serious, Non-Serious, Repeat, Willful, Criminal
 - Failure to Abate
 - Deminimus



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OSHA Closing Conference

- Penalty Calculation
- Discounts are given:
 - Size Credit, Good Faith, & History
 - They look at number of employees exposed, duration of the exposure, proximity to hazard, and work conditions
 - Lesser vs. Greater
 - Can be multiplied for being repeat, willful or criminal violation type.



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Afterward – Aftermath

- Will receive citation packet via certified mail (someone has to sign for it)
- It is important to know when this comes as all of the dates OSHA set up is off of this delivery date.
- Abatement Verification & Progress Report
- Expedited Informal Settlement Agreement (EISA)

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UNITED STATES
DEPARTMENT OF LABOR



Occupational Safety and Health Administration

OSHA ▾

STANDARDS ▾

ENFORCEMENT

TOPICS ▾

HELP AND RESOURCES ▾

NEWS

[OSHA Enforcement](#) / [OSHA Penalties](#)

OSHA Penalties

Below are the maximum penalty amounts, with the annual adjustment for inflation, that may be assessed after Jan. 15, 2022. (See [OSHA Memo, Jan 13, 2022](#)).

Type of Violation	Penalty
Serious Other-Than-Serious Posting Requirements	\$14,502 per violation
Failure to Abate	\$14,502 per day beyond the abatement date
Willful or Repeated	\$145,027 per violation

State Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA's.



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III. *Minimum and Maximum Penalty Amounts.*

Table 1 summarizes the minimum and maximum amounts for proposed civil penalties:

Table 1: Maximum and Minimum Amounts for Civil Penalties

Type of Violation	Penalty Minimum	Penalty Maximum
Serious	\$1,036 per violation	\$14,502 per violation
Other-Than-Serious	\$0 per violation	\$14,502 per violation
Willful or Repeated	\$10,360* per violation	\$145,027 per violation
Posting Requirements	\$0 per violation	\$14,502 per violation
Failure to Abate	N/A	\$14,502 per day unabated beyond the abatement date [generally limited to 30 days maximum]

* For a repeated other-than-serious violation that otherwise would have no initial penalty, a GBP penalty of \$414 shall be proposed for the first repeated violation, \$1,036 for the second repeated violation, and \$2,072 for a third repetition.

IV. *Gravity Based Penalty Amounts.*

The gravity of a violation is defined by the Gravity Based Penalty (GBP).

- A **high gravity** violation is one with a GBP of \$14,502.
- A **moderate gravity** violation is one with the GBP ranging from \$8,287 to \$12,431.
- A **low gravity** violation is one with a GBP of \$6,215.

State Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA's.



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IV. Gravity Based Penalty Amounts.

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For serious violations, the GBP shall be assigned on the basis of the following scale in Table 2:

➤ **Severity + Probability = GBP**

Table 2: Serious Violations

Severity	Probability	GBP	Gravity	OIS Code
High	Greater	\$14,502	High	10
Medium	Greater	\$12,431	Moderate	5
Low	Greater	\$10,360	Moderate	5
High	Lesser	\$10,360	Moderate	5
Medium	Lesser	\$8,287	Moderate	5
Low	Lesser	\$6,215	Low	1

For other-than-serious violations, only minimal severity is assigned. If the Area Director determines that it is appropriate to achieve the necessary deterrent effect, a maximum penalty of \$14,502 can be proposed.

State Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA's.

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V. *Serious Willful Penalty Reductions.*

The reduction factor for history shall be applied as usual. The reduction factors for size for serious willful violations shall be applied as shown in Table 3:

Table 3: Serious Willful Penalty Reductions

Employees	Percent reduction
10 or fewer	80
11-20	60
21-30	50
31-40	40
41-50	30
51-100	20
101-250	10
251 or more	0


State Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA's.



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Contesting OSHA

- What if you don't agree with OSHA's findings?
 - Employer has the opportunity & right to contest OSHA's findings
 - Is it worth it?



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OSHA Visit In Conclusion

- Be polite, don't argue.
- Only show them what they ask to see while at the same time not trying to hide anything.
- *Conduct regular inspections before OSHA shows up to help minimize the chance of them finding issues.*



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Observing Exposures/Self-Inspections

Review OSHA items relating to compliance and those items recommended, discuss options for remediation (e.g. items open to CO interpretation, any contested items, non-compliance items, best industry practice). Collect photos to document exposure and facilitate discussion.

Observing Exposures/Self-Inspections

Develop means and methods to sustain hazard observation process

Develop Employee Hazard Awareness Recognition training program from prior inspections, lessons learned and consider training for safety contacts, employee safety committee members, all employees (e.g. on-boarding orientation).



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Examples-Following the Various OSHA Sub Parts of the OSHA Rules (e.g. 1910 and 1926)

General Industry Subparts (1910.xxx)

Construction Industry Subparts (1926.xxx)

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General Industry

Subpart D: Walking/Working Surfaces

- Fall exposures of >4', falling object hazards adequately guarded.
- Portable ladders and stairs in good condition and used correctly?

Subpart E: Means of Egress

- Exits are clearly marked, well lit, unlocked, unobstructed

Subpart G: Occupational Health and Environmental Control

- Confined spaces labeled? Entry procedures followed?

Subpart H: Hazardous Materials

- Compressed gas cylinders (including those in use) are secured,
- segregated, valve caps in place, protected from damage, vandalism?

Subpart N: Material Handling

- Forklift operators displayed safe driving habits. Seatbelt worn?

This is only a sample not all the Subparts

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Construction Industry

1926-Subpart D: Occupational Health and Environmental Controls

- Medical facility location available within reasonable distance for the treatment of injured employees?
- First aid trained employee(s) on-site when required?

1926-Subpart F: Fire Protection and Prevention

- Fire extinguishers are provided in close proximity to hazards
- Fire extinguishers are mounted, and in designated locations.

1926-Subpart J: Welding, Cutting and Brazing

- Valve protection caps in place and secured when valves removed and tanks are not in use?


1926-Subpart L: Scaffolds

- Scaffolding and scaffolding components have been evaluated for meeting 4 times the intended maximum load?

1926-Subpart M: Fall Protection

- Fall protection plan has been established and communicated to employees with fall exposures?

This is only a sample not all the Subparts




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Polling Question: Inspections

Who is most often utilized to perform hazard evaluation (inspection) at your facility?

- A. The insurance carrier Loss Control representative
- B. The employee safety committee
- C. Team Leads
- D. OSHA when they visit the facility due to a complaint



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Polling Question: What is OSHA looking for?

What do you think OSHA will want to review when they visit your facility?

- A. A written Administrative Program or AWAIR
- B. OSHA 300 Injury and Illness Records
- C. Hazard Communication-Right to Know Program
- D. Certification of PIT, MEWP-Forklift, Scissors Lift Operators
- E. All the Above

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What standards are triggered by the structure, operations and hazards of your organization?

- **OSHA Standard May be Administrative (AWAIR, 300 logs)**
- **OSHA Standard Industry/Task Specific (1910, 1926 Others)**
- **OSHA Standard May be Lateral**
 - Right to Know (some are state specific as in MN)
 - Hearing Conservation-Noise
 - Respiratory Protection (Voluntary and Mandatory)
 - PPE
- **OSHA Standard May be Chemical Specific**
 - Lead
 - Respirable Crystalline Silica
 - Benzene
 - Methylene Chloride
- **Best Industry Practice (Above OSHA Minimum)**

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Review Your Compliance Programs

- Determine which OSHA program(s) apply
- Recognize, Evaluate & Develop
- Not All Programs Required to be In Writing-*But Why Not Write them Down?*
- All Programs Require a Certain Level of Training
- Many Programs Require Documentation of Completed Tasks



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Administrative Health and Safety Review Guide

Items to review:

OSHA RELATED INFORMATION

- OSHA injury/illness records (OSHA form 300 and 300A) – *current year plus 3 years*
- Any OSHA inspection reports and any OSHA citations
- Employee training records
 - Examples of employee safety training records (Sign-in).
 - Right-To-Know/Hazard Communication training record
- Employee safety training programs (outlines of content, etc.)
- Written Emergency Action Plan
- Personnel policies that relate to adhering to company safety policy
- Copy of your overall written Health and Safety Program which includes all relevant compliance programs (hard-copy or electronic that we can take with us to review while developing the report)
- List of any hazardous materials, harmful physical agents and infectious agents
- Safety Committee material sample (agenda, minutes), if applicable

GENERAL ORGANIZATION BACKGROUND INFORMATION

- If available, summary organization chart showing position titles and reporting relationships
- Number of employees
- Types of occupations
- Union/non-union (if union, agreement section(s) relating to safety or workers' compensation)
- Number of established work locations (office, facility locations, etc.)

Mock OSHA Audit-
General Info to Have
on Hand

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Administrative Health and Safety Review Guide

- Program Sign-Off and Revision Record Form (a place to log your annual program reviews)
- Administrative Health and Safety/ AWAIR Program
 - Policy
 - Applications & Definitions
 - The Administrative Health and Safety/ AWAIR Program
 1. Goals/ Objectives of the Health and Safety Program
 2. Management, Supervisory and Employee Involvement
 3. Hazard Identification and Control
 4. Training and Communication
 5. Injury Reporting, Investigation and Return to Work
 6. Safety Rules and Enforcement
 7. Record Retention Requirements
- Arc Flash - Electrical Safe Work Practices Program
 - Policy
 - Application & Definitions
 - The Electrical Safe Work Practices- Arc Flash Program
 1. De-energizing Parts before Work
 2. Working on or Near De-energized Parts and Lockout
 3. Working on or Near Exposed Energized Parts.
 4. Training and Communication
 5. Record Retention Requirements
- Bloodborne Pathogens Exposure Control Program
 - Policy
 - Applications & Definitions
 - The Bloodborne Pathogens Exposure Control Program
 1. Methods of Compliance
 2. HBV Vaccination, Post Exposure Evaluation/ Follow-Up
 3. Training and Communication
 4. Recordkeeping
 5. Record Retention Requirements
- Confined Space Entry Program
 - Policy
 - Application & Definitions
 - The Confined Space Entry Program
 1. Hazard Identification and Evaluation
 2. Entry Procedures
 3. Entry Permits
 4. Responsibilities of Entrants, Attendants and Entry Supervisors
 5. Equipment
 6. Rescue and Emergency Services
 7. Training and Communication
 8. Record Retention Requirements
- Earthmoving/ Mobile Equipment Program
 - Policy
 - Application & Definitions
 - The Earthmoving/ Mobile Equipment Program
 1. Operator Certification
 2. Access Roadways and Grades |

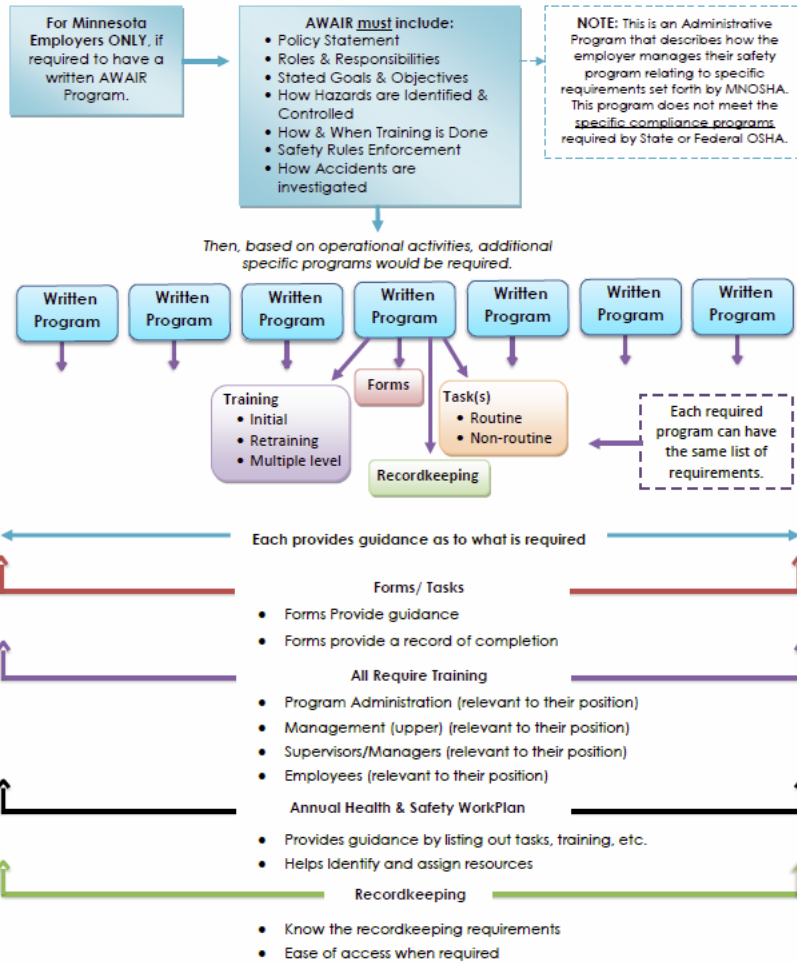
Checklist-Which OSHA program(s) apply to your operations?

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Health & Safety Program Requirement Overview

All of Your Operational Activities Must be Considered

Each can trigger various OSHA Compliance Program Requirements.



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Establish **Annual Workplans** for Each Critical Program

If you can't put it in writing, what makes you think you can do it?

- Sets and controls expectations
- Identifies interested parties
- Establishes specific goals
- Presents routine and non-routine activities
- Identifies and assigns appropriate resources (coordinates)
- Updated as necessary to reflect required adjustments
- Maintained by one individual or multiple as established
- Provides continuity throughout changing people and times
- It is the rudder on Program for the ship (a weak one is like a canoe paddle for an oil tanker)

Having a Plan in Place Helps You Stay Compliant or at least demonstrates the effort when OSHA shows up



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Recordkeeping

- Accident (Incident) Records
 - What needs to be recorded
 - How can the reports be used
 - Basic Systems (free from OSHA)
- OSHA Requirements and BSR Z16.5-Standard for Safety and Health incidents

Guidelines

- Work-related Cases
- Recordability
- Classification (injury or illness)
- Incidence Rates
- Monitoring change in Records
- Record Retention (5 years)
- Recordkeeping and Rates Including BSR Z16.5
 - Formulas and Calculation of Employee Hours
 - Disabling Injuries
 - Special Cases
 - Submitting info to Federal OSHA (ITA requirements for 300A)






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The Good Faith Effort...

- Does it Meet Compliance?
 - *Again Look at the Standard*
- Who Was Involved?
- What Was Done?
- Records Available?

No Pandemic Amnesty or “free pass” due to the epidemic.



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What About the General Duty Clause 5 (a)-non Subpart Specific


- Is there an industry best practice that will apply?
- Incorporation by Reference??

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Hazard Identification and Control

- “The methods used to identify, analyze and control new or existing hazardous conditions or operations.”
- Suggestions:
 - Periodic inspections (in-house or outside resources).
 - Employee reports, suggestions.
 - Accident investigations.
 - Include “invisibles” (i.e. air, noise, ergonomics)
- Four types of controls (Eng., Substitution Admin., PPE.)
- Importance of Job Safety Analysis and process.
- Review Applicable OSHA Subparts





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Facility Hazard Specific Checklists

See if can identify the following examples in the checklists provided.....

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Identifying a Hazard-OSHA Violation



Source-ILC

Subpart D-Walking Working Surfaces

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Identifying a Hazard-OSHA Violation



Source-ILC

Subpart E-Means of Egress



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Identifying a Hazard-OSHA Violation



Source-ILC

Subpart S-Electrical, Equipment is Not Adequately Grounded or GFCI Protected


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Identifying a Hazard-OSHA Violation



Source-ILC

Subpart L : Fire Prevention



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Identifying a Hazard-OSHA Violation



Unguarded lower blade and arbor end of radial saw.

Source-OSHA

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Identifying a Hazard-OSHA Violation



Improperly Labeled Containers

Source-ILC

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Identifying a Hazard-OSHA Violation



Source-OSHA

Guard removed from chain rail exposing pins on the spiked chain and sprocket.

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Identifying a Hazard-OSHA Violation



Source-OSHA

Improper Repair of a Powered Lift Truck

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Identifying a Hazard-OSHA Violation

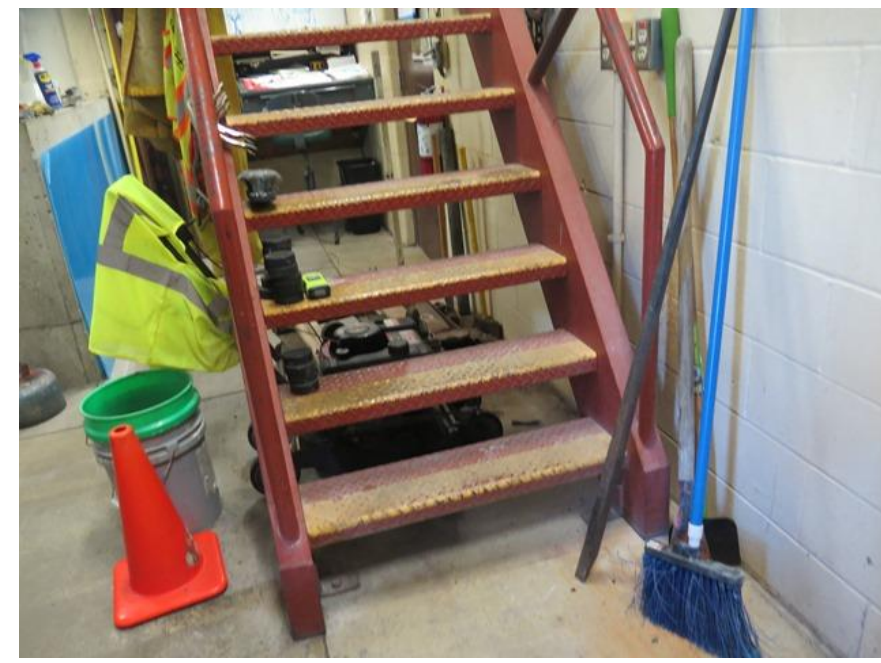


Damaged Sling, Chains without Legible Ratings, and Damaged Wire Rope

Source-OSHA, TEEK Hardwood

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Identifying a Hazard-OSHA Violation

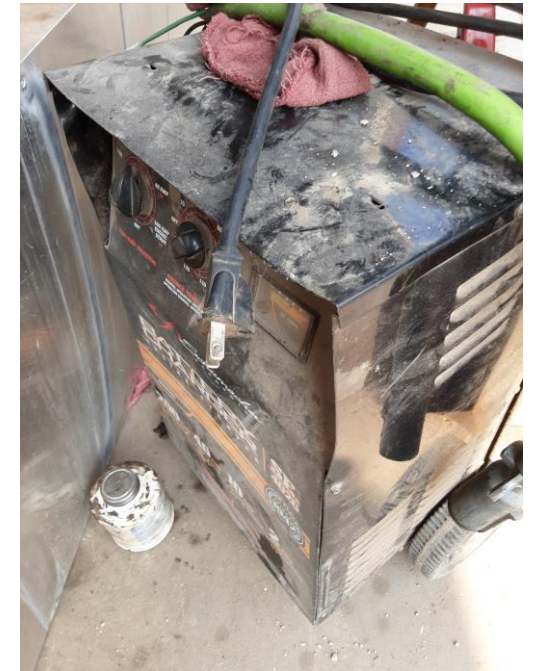


Unstable Stacked Materials, and Poor Housekeeping

Source-OSHA, TEEEX Hardwood

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Identifying a Hazard-OSHA Violation

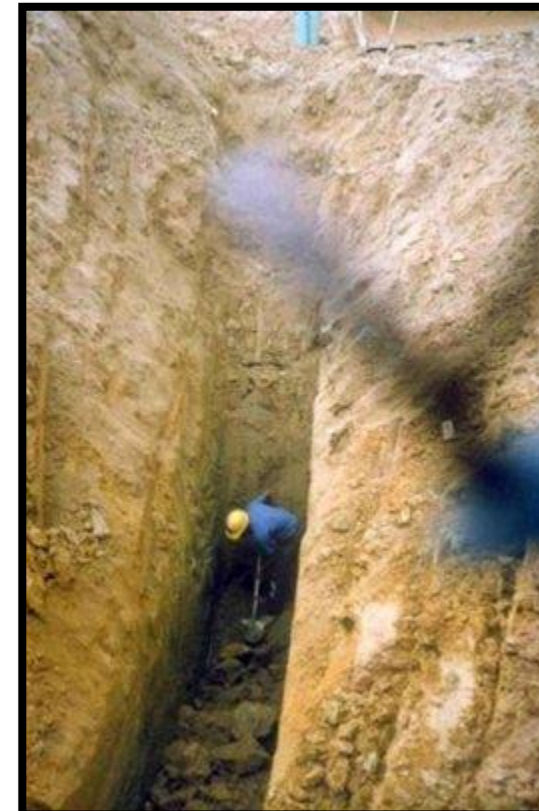
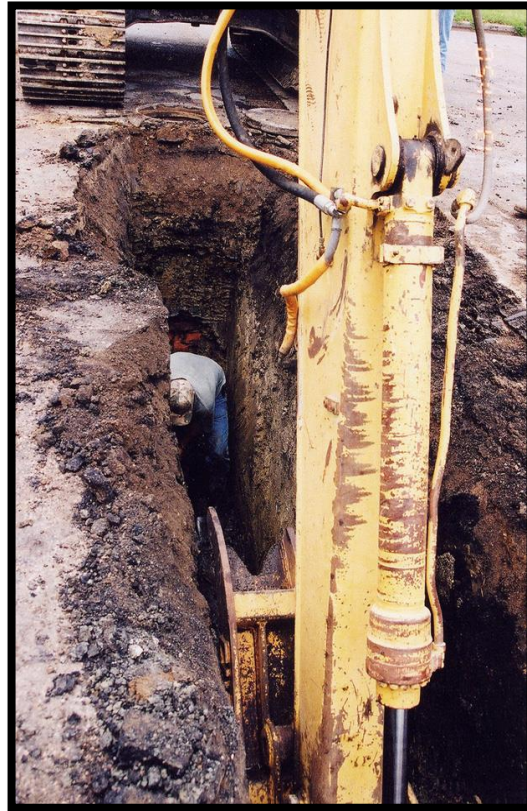


Defective or Improperly Repaired Tools

Source-OSHA, ILC

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Identifying a Hazard-OSHA Violation



Subpart P: Excavations

Source-OSHA, ILC





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Taking Credit for Prior Activities.....

- What Does the Document Trail Look Like?
- Keep Relevant Source Documents, Training Aids, etc.


Moving from Failure to Success

- Draw a New Line in the Sand to Move Forward

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“Rules and tips”

- No such thing as total compliance with all regulations.
 - *It can't be done, it's not even a good goal.*
- Focus on hazards, not regulations.
 - Likely to cause injury/illness,
 - Likely to be cited by OSHA, or
 - Likely to be a concern for insurance carrier.
- Don't nitpick.
- It's not a contest.
 - The goal is not to find all violations.
 - Focus on 5-10 important ones.
- Leave personalities out of it.



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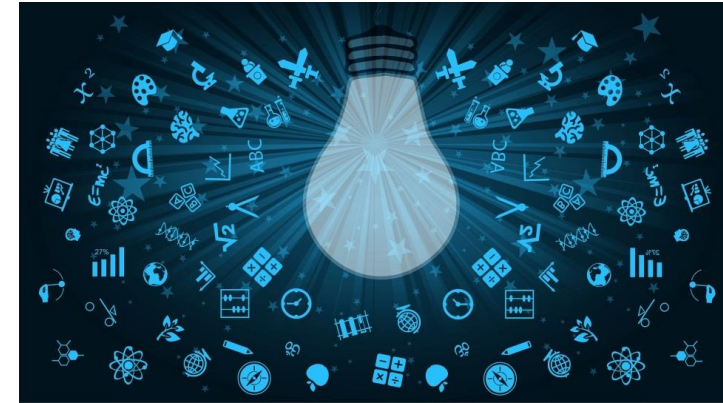
“Am I liable if I miss something?”


- In general, No.
- You are not considered “experts” and there is no “duty” to find all violations/hazards. *Especially in a dynamic work environment*
- *The greater liability is:*
 - Not doing inspections, or
 - Doing inspections but not correcting issues.

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Resources for Help


- Service Organization
- Standards and Specifications Groups
- Fire Protection Organizations
- Insurance Associations
- Internet
- Professional Societies
 - Trade Associations
 - Emergency & Specialized Information
 - U.S. Government Agencies
 - Educational Institutions
 - Safety and Health Related Periodicals






Mock OSHA Audit – Understanding What to Expect and How to Be Prepared

Recap and Questions



Mock OSHA Audit – Understanding What to Expect and How to Be Prepared

- a) Which OSHA will visit you (State or Federal),
- b) What can trigger a visit,
- c) What to expect from the onset to closure,
- d) Opening conferences, records and program reviews,
- e) Physical inspections (walk-through),
- f) Employee interviews,
- g) Closing conference,
- h) What to do should a citation be issued, and;
- i) Resources available to you.



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Thank You





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North Risk Partners Value-Added Services Hotline

(888) 667-4135

Call the hotline to get personalized advice from HR and safety professionals on a variety of topics, including state and federal compliance, employer best practices, workplace programs and more.

*You may also reach Integrated Loss Control by emailing safety@northriskpartners.com

