

# Answering Frequently Asked

**A** significant number of employers are likely to find themselves face-to-face with an inspector from OSHA, catching many off-guard. Employers should take a two-pronged approach to OSHA compliance.

First, make every effort to comply with OSHA's safety and health rules to protect your employees. Second, always be prepared in the event that OSHA initiates an inspection at your establishment. Having a plan in place that provides guidance to managers, describes the procedures employed by OSHA and what to expect during an inspection can minimize disruption of business and possible adverse consequences.

Here are answers to frequently asked questions about OSHA. The information pertains to enforcement procedures used by federal OSHA. Some states operate OSHA-approved state plans, which may utilize different procedures. Employers are encouraged to consult with their attorney or advisor following an OSHA inspection. A useful source of information on OSHA can be found on the internet at OSHA's website: [www.OSHA.gov](http://www.OSHA.gov).

## 1. What is OSHA and its purpose?

The Occupational Safety and Health Administration known as OSHA, is an agency within the United States Department of Labor. OSHA's primary function is to inspect workplaces to ensure that employers comply with federal safety and health standards.

## 2. Who is subject to OSHA's requirements?

Most employers and their employees are subject to OSHA's requirements. Employees employed by the United States government, state or local governments are generally not covered by OSHA. Likewise, certain private sector workers are exempt from OSHA's requirements.

## 3. If OSHA shows up at my facility, do I have to allow the inspector in?

In most cases, OSHA must either obtain an owner's consent or have a warrant to enter the facility and perform an inspection. If denied entry to perform an inspection without a warrant, OSHA has the authority to obtain a warrant by *ex parte* application to the District Court.

There is no clear cut formula to follow in deciding whether or not to grant OSHA permission to perform an inspection. That decision is best made as a matter of company policy developed prior to an actual inspection.

## 4. What does OSHA look for?

There are three phases to an OSHA inspection, the opening conference, the walkthrough and the closing conference.

At the opening conference, the inspector will seek general information concerning the business (e.g., name, address, etc.) as well as any safety and health programs. For instance, the inspector may inquire into the following:

- The comprehensiveness of the company's safety and health program;
- How the information on the program is communicated to employees;

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- How the company enforces violations of its safety and health rules;
- The type of safety and health training programs the company has established and implemented;
- How the company performs an accident investigation and whether it finally implements preventative measures as a result of the investigation; and
- Whether the OSHA Notice is posted on site in the facility.

In addition, the inspector will request access to the records that businesses are required to maintain under OSHA's standards (e.g., injury and illness records and hazard communication records, etc.).

The next phase of the OSHA inspection is the walkthrough. The walkthrough allows the inspector to identify potential safety and/or health hazards in the workplace. During this phase of the inspection the inspector will assess the company's safety and health program, collect information on the plant processes and document any hazards in the workplace.

The final phase of the OSHA inspection is the closing conference.

