

What to expect from an Oregon OSHA compliance inspection

Oregon OSHA compliance inspections can occur for a variety of reasons (including a serious or fatal accident, a formal complaint, referral from another government agency, or imminent danger situation), but they also include a schedule of random inspections that can occur anytime during business hours. When the OR-OSHA compliance officer visits for an inspection, the best course of action is always to be completely cooperative. Here is what you should keep in mind when the OR-OSHA compliance officer visits.

During the opening conference, the compliance officer should:

- Introduce himself/herself and provide you with proper credentials
- Explain the reason, purpose, nature, and intended scope of the inspection
- Request the records which need to be examined
- Provide an opportunity for an employee representative (e.g., union steward) to accompany the compliance officer during the inspection and interviews of employees
- Inform the employer that sampling may be done and photographs may be taken
- Explain that all violations which would normally be assessed a penalty and which are corrected prior to the end of the inspection will result in penalty reductions

You can expect a review of the following:

- Your current OSHA 300 Log
- Safety committee meeting minutes
- Hazard Inspection reports (including corrective action Items)
- Accident Investigation/Analysis reports
- Written safety programs (these most frequently include Hazard Communication, Permit Required Confined Space, Exposure Control/Bloodborne Pathogens, Lockout/Tagout, or other pertinent programs)

During the walk-around inspection, the compliance officer may:

- Randomly interview employees (Employees can request the presence of an employee representative during an interview.)
- Visually inspect the work areas (Inspections typically include chemical exposures, machine guarding, electrical hazards, work station design/ergonomics, housekeeping, personal protective equipment, tools and equipment, vehicles, and work practices.)
- Take photos (If the compliance officer does take photos, the employer should also take photos of the same equipment or issue.)
- Conduct industrial hygiene sampling (This is done typically for noise, chemical, or dust exposures.)

How to reduce penalties:

- The first way to reduce penalties is to cooperate with the compliance officer. Correct hazards during the inspection process if possible.
- If you are unable to correct identified hazards during the inspection, do so as soon as possible and then inform the compliance officer of those corrections. (Provide photos of corrections when possible.)

During the closing conference the compliance officer will:

- Explain any violations that were noted during the inspection
- Ask the employer to provide all pertinent information regarding any alleged violations

After the inspection, if a citation is received, the employer must:

- Promptly post the citation for employee's information for three days or until the violation is corrected, whichever occurs last
- Assure that any amendments or withdrawals to a citation are posted with the original citation for three days or until the violation is corrected, whichever occurs last
- Correct each violation by the date ordered and notify the appropriate Oregon OSHA field office of the correction

If no appeal is filed, remit any penalty by the 21st calendar day following receipt of the citation.

You do have a right to appeal:

- Employers have the legal right to appeal a citation. An employer who wishes to file an appeal has only 30 calendar days from the receipt of the citation to do so. An appeal is filed when it is received by Oregon OSHA, the Department of Consumer and Business Services, or the Workers' Compensation Board.

The appeal request must:

- Be in writing
- Be signed by the employer's authorized representative
- Include the employer's name, address, and telephone number
- State the citation's optional report number
- Indicate each item being appealed and the reason for each item's appeal

Publications from Federal OSHA and Oregon OSHA providing additional details about workplace inspections by OSHA compliance officers:

http://www.osha.gov/OshDoc/data_General_Facts/factsheet-inspections.pdf

<http://www.orosha.org/pdf/workshops/106w.pdf>