

Inspection and Compliance

Additional Resources:

- [Complete OSHA Standard](#)

Safety and health programs shall provide for frequent and regular inspections of the job sites, materials, and equipment to be made by competent persons designated by the employer. 1926.20(b)(2)

Emphasis Programs

OSHA uses Special Emphasis Programs (SEPs) Local Emphasis Programs (LEPs), and National ' Emphasis Programs (NEPs) to find ways to help control accidents, injuries, and illnesses in occupations where employee exposure to unusual physical or health risks exist.

The programs are limited in scope and time, re usually established before a program is implemented, and include employer awareness training. Some of the NEPs, SEPs, and LEPs that are in place are:

- Trenching and Excavations
- Lead Exposure
- Silica Exposure
- Fall Hazards
- Road Construction Work Zone Activities
- Residential Construction

Cooperative Programs

OSHA offers a number of avenues for businesses and organizations to work cooperatively with the Agency. These programs may encourage greater communication between the Agency and the businesses in the form of an Alliance. They may assist small businesses with On-Site Consultations. And employers with exemplary safety programs may elect to participate with OSHA in Alliances, Safety and Health Achievement Recognition Programs (SHARP), Strategic Partnerships, Challenge Programs, and Voluntary Protection Programs (VPP). You may receive additional training in the event your employer is participating in these programs.

OSHA Inspection Process

Inspections will be conducted by OSHA Compliance Safety and Health Officers (CSHO) without advance notice except in unusual circumstances. The inspection must be conducted during regular working hours.

It is important to know how to deal with the CSHO when they show up on site. There are a number of methods that may work depending on the situation. One is to ask the CSHO to wait for the company safety representative to get to the jobsite. Another way would be to ask for a warrant. The CSHO could obtain a warrant within 6 hours. The problem with this option is that when the CSHO comes back, he could be much harder to deal with during the inspection.

Other options include sending your employees home for the day or asking the CSHO to come back after a difficult job is completed because it requires the safety person's undivided attention. Either of these options are viable methods in dealing with the CSHO, but may make the process more difficult. You could also simply allow the CSHO to conduct the inspection. The method chosen should be determined by company management.

Opening Conference - the CSHO will/may:

- Present credentials.
- Explain the purpose of the inspection.
- Have employee participation in the inspection, if possible.
- Outline in general terms the scope of the inspection.
- Determine if there are any high hazard areas that require PPE.
- Review accident and injury records for the last 5 years.
- Examine any other records which fall into the scope of the inspection.
- Verify all required postings.

Walk around - The main purpose of the walk around is to identify potential safety and health hazards in the workplace. The CSHO(s) will:

- Determine the extent to which the employer's program covers the precautions to be taken by employees actually or potentially exposed to hazards.
- Evaluate the use, selection, and maintenance of PPE.
- Evaluate the educational and training program and the degree of employee participation in the program.

- Record all facts pertinent to an apparent violation on their worksheet. Apparent violations shall be brought to the attention of employer and employee representatives at the time they are documented.
- Take photographs or videos of the alleged violation.
- Question employees privately during the course of the inspection (This must be agreed upon by the employee being questioned).

Focused Inspection – If your site qualifies, the CSHO will perform a focused inspection, one that is directed at the four most common causes of accidents and deaths in the construction industry, (falls, electrocution, caught-between, struck-by hazards). Any time during a focused inspection, the CSHO may, after informing the employer, change from a focused inspection to a full inspection if the CSHO believes the hazards that exist warrant the change.

Closing Conference - The CSHO will give the employer the publication, "Employer Rights and Responsibilities Following an OSHA Inspection," and explain:

- Employer's rights
- Follow up inspections
- Contest procedures
- Failure to abate citations
- Informal conference
- False information
- Penalties
- Complying with citations
- Consultative services
- Employee discrimination protection

IT IS IMPERATIVE THAT INDIVIDUALS REALIZE THAT THE INSPECTION IS NOT OVER UNTIL THE CLOSING CONFERENCE IS COMPLETED.

Multi-Employer Citation Policy

Additional Resources:

- [OSHA Instruction CPL 02-00-124](#)

Following the inspection, the CSHO will discuss the inspection with the Area Director and determine if a citation is warranted. This process can take up to 6

months. Following receipt, an employer has 15 working days to respond. The various options available are explained in the above-mentioned publication.

On multi-employer worksites, like a construction site, there are four different entities that may be cited for the same hazard:

- **Creating Employer:** The employer that caused a hazardous condition that violates an OSHA standard.
- **Exposing Employer:** An employer whose own employees are exposed to the hazard.
- **Correcting Employer:** An employer who is engaged in a common undertaking, on the same worksite, as the exposing employer and is responsible for correcting a hazard. This usually occurs where an employer is given the responsibility of installing and/or maintaining particular safety/health equipment or devices.
- **Controlling Employer:** An employer who has general supervisory authority over the worksite, including the power to correct safety and health violations itself or require others to correct them. Control can be established by contract or, in the absence of explicit contractual provisions, by the exercise of control in practice.

Prior to issuing citations to an Exposing Employer, it must first be determined whether the available facts indicate that employer has a legitimate defense to the citation, as set forth below:

- The employer did not create the hazard;
- The employer did not have the responsibility or the authority to have the hazard corrected;
- The employer did not have the ability to correct or remove the hazard;
- The employer can demonstrate that the creating, controlling, and/or the correcting employers, as appropriate, have been specifically notified of the hazards to which their employees are exposed; and
- The employer has instructed their employees to recognize the hazard and, where necessary, informed them how to avoid the dangers associated with it.
- Where feasible, an Exposing Employer must have taken appropriate alternative means of protecting employees from the hazard, and if justified by extreme circumstances, shall have removed their employees from the job to avoid citation.

If an Exposing Employer meets all these defenses, that employer shall not be cited.

General Citation and Penalty Structure

Depending on the severity of the offense, the citation will range from de minimis (a regulatory violation that does not impact worker safety and health) to willful (employer knowingly commits offense). Penalties will range from a few hundred dollars up to several hundred thousand dollars per violation. Penalty amounts may be reduced depending on the company size, a good faith effort, quickly fixing any offenses, and the company's citation history.