

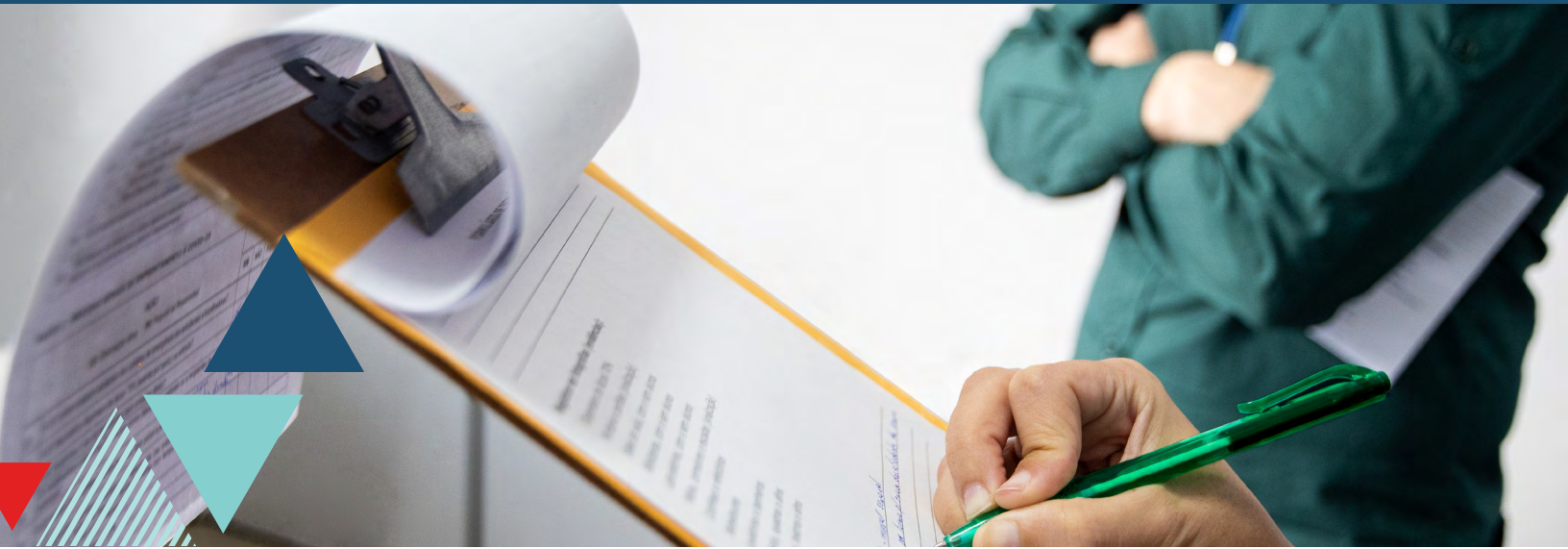


OSHA

Inspections Checklist



Fisher Phillips is ready to assist you in implementing an action plan to improve your safety program, to increase your productivity and quality while at the same time protecting your Company's brand/reputation as well as assisting you to effectively deal with an enforcement-focused OSHA.



ABOUT FISHER PHILLIPS

Fisher Phillips is a national labor and employment law firm serving employers. With almost 600 attorneys, the firm is committed to providing the highest level of client service for every matter it handles. Our attorneys represent employers with issues that arise at the intersection of business and employment law, including labor relations, employment, civil rights, employee benefits, immigration, pay equity, noncompetition and workplace safety. We are dedicated to resolving issues that employers face every day.

ABOUT THIS CHECKLIST

The Fisher Phillips Workplace Safety and Catastrophe Management Practice Group provides you with practical guidance to enable you to develop and maintain effective workplace safety and health management programs. From safety compliance and accident prevention to catastrophe response and mine safety and health matters, our experienced team of attorneys is prepared to assist with all of your workplace safety legal needs. And our FP Safety Solutions team offers a full range of non-legal consulting services.

We work with clients across the United States, including those in the following industries:

- manufacturing
- health care
- construction
- transportation
- food processing

**IF YOU HAVE QUESTIONS OR WOULD LIKE ADDITIONAL INFORMATION,
PLEASE CONTACT: RREPASS@FISHERPHILLIPS.COM OR
WORKPLACESAFETY@FISHERPHILLIPS.COM.**

A. Prior to Inspection



- Display the official OSHA poster where notices to employees are customarily posted.
- Obtain upper management commitment to workplace safety and display commitment statement.
- Conduct internal or external safety audit and hazard assessment of the facility to spot and correct apparent safety and health hazards. It is important that hazards identified are addressed or corrected in a timely manner.
- Ensure that a management official has been assigned responsibility for safety and health compliance and for dealing with employees, OSHA, and other individuals on the subject of workplace safety and health.
- Determine which OSHA standards and regulations apply to the facility and ensure that all required written programs, plans, training and recordkeeping are complete and updated on an annual basis. Insure that the facility's personal protective equipment hazard assessment has been completed.
- Train designated management personnel on how to properly handle and respond to an OSHA inspection, as well as approaches by law enforcement officials, building or fire inspectors, and inspectors from other safety regulators.
- Determine the company policy on requiring OSHA to have a warrant prior to allowing an inspection to be conducted.
- Foster employee participation in safety and health management and instill commitment in employees to safe work practices.
- Establish a crisis management team to deal with catastrophic occurrences, fatalities, and OSHA-related publicity.
- Ensure that injuries and illnesses are properly recorded and supporting documentation is available.
- Ensure that Hazard Communication Plan, SDS's, and related materials are available.
- Notify OSHA within eight (8) hours if a fatality occurs or within 24 hours for work related amputations, loss of eye or one or more employees are hospitalized for the same incident. Where fatality, amputation or hospitalization occurs, consult with the company's OSHA counsel to determine what investigation should be conducted and what accident reports need to be prepared.
- Provide appropriate equipment, i.e. camera, video, monitoring, etc., for conducting OSHA inspections.
- Review previous OSHA citations and ensure abatement has been completed and hazards cited have not reoccurred.
- Ensure coordination between all employers on a multi-employer site.



B. Conducting the Inspection



1. INITIAL CONTACT AND OPENING CONFERENCE

- Refer the OSHA compliance officer arriving on the premises to the company's designated safety officer.
- No employees, other than the facility manager and /or the designated management safety officer, should communicate with the OSHA compliance officer prior to the opening conference.
- The safety officer should review the compliance officer's credentials as well as obtain his or her business card with an address and phone number to ensure that the compliance officer is on an official inspection.
- Determine from the compliance officer the purpose, scope, and the circumstances of the visit to the facility. If the inspection is based on a complaint, obtain a copy of the complaint and attempt to limit the inspection to those areas listed in the complaint.
- Determine if the compliance officer has a warrant to conduct the inspection. If yes, find out the scope of the warrant and limit the inspection to that scope.
- Notify the company's OSHA counsel. This should be done prior to the opening conference in order to receive any instructions or to raise some defense or objection.
- Notify the designated employees' representative (if applicable) of OSHA's presence.
- Have an opening conference with the OSHA compliance officer to establish:
 - the focus areas of the inspection;
 - the scope and route of the walk-around inspection;
 - the designated trade-secret areas or processes;
 - the procedure for conducting employee interviews and producing documents;
 - the schedule of interviews;
 - the documents for review by OSHA;
 - the procedure for requesting copies of any employee complaints; and
 - the facility's rules and procedures OSHA will be expected to follow.
 - the procedures for conducting air or noise monitoring.
- Conduct all necessary safety and health advising/training of OSHA compliance officers prior to access to restricted areas. Ensure that the OSHA compliance officer wears all necessary personal protective equipment and follow all company safety and health policies.

2. WALK-AROUND INSPECTION



- A designated safety officer or manager should stay with each OSHA compliance officer at all times during the inspection except during hourly employee interviews.
- The designated safety officer should take detailed notes, including date(s) of inspection, areas inspected, items discussed and employees interviewed.
- If compliance officer deviates from area(s) covered by complaint then company safety officer should inquire as for the reason for the deviation.
- When appropriate, photographs should be taken of areas inspected by the OSHA compliance officer as well as all items photographed by the compliance officer. Video also should be utilized, if used by the compliance officer.
- The designated safety officer should immediately have corrected any concerns identified by the compliance officer to the extent possible, but should not acknowledge that a there is any violation or that citation is appropriate.
- No management or supervisory employee should give information or make statements to the compliance officer without approval from the designated safety officer or the company's OSHA counsel. The designated safety officer or the Company's OSHA-counsel will be present at all management or supervisor interviews conducted by the OSHA compliance officer.
- All work rules and safety procedures should be enforced and applicable to the compliance officer and walk-around team during the inspection.
- The compliance officer should be asked to put all requests for company information and/or documents in writing.
- The company's OSHA counsel should review all requests for documents and information as well as all information and documents prior to being provided to the compliance officer.
- Document all samples or monitoring test taken by the OSHA compliance officer and request copies of all sampling and monitoring results as well as all photographs and videos taken. The company should request the OSHA compliance officer to schedule sampling and monitoring at a time when the company can conduct its own sampling and monitoring. The Company's designated safety officer will advise the compliance officer that only side-by-side monitoring will be permitted.
- Request copies of all OSHA sample and monitoring reports from the compliance officer.



3. CLOSING CONFERENCE



- Primarily listen to the compliance officer's proposal, and do not argue or debate the initial proposed findings.
- Remind the compliance officer of the scope of the inspection as stated in the opening conference.
- If directed by OSHA counsel, provide additional information and documentation relevant and supportive of the company's position as well as any information which shows abatement of any alleged violation.
- Obtain from the OSHA compliance officer an acknowledgment of receipt of the documents provided.
- Take detailed notes on the alleged hazards identified and the problem areas indicated by the compliance officer along with the applicable standards and suggested abatement procedures.
- Provide the OSHA compliance officer with the name, title, full address, and phone and fax numbers of the person to whom all OSHA correspondence should be directed.

C. After the Inspection



- Try to obtain all sample and monitoring reports from OSHA.
- Review all areas noted by the compliance officer and make appropriate abatement.
- Provide the company's OSHA counsel with copies of all of the documents provided to OSHA and all of the notes, photographs, videos, etc., taken during the inspection.
- The company's OSHA counsel should make a written request to OSHA to ensure that all trade secrets and proprietary information disclosed during the inspection are kept confidential.
- If facility is issued citations by OSHA, the following should be done:
 - Post the citation (with penalty amounts deleted -Note: in state plan states need to check rule on posting requirements) in the area where employee notices normally are posted.
 - Immediately notify the company's OSHA counsel about the citation and send a copy of the citation to them.
 - With the advice of counsel, schedule an informal conference with OSHA.
 - Post Notice to Employees of informal hearing.
 - Where an agreement cannot be obtained quickly, employer must file a Notice of Contest within fifteen (15) working days of the employer's receipt of citations. Some state plan states maintain different procedures. An employer who misses a contest deadlines cannot typically get an extension or overcome the default

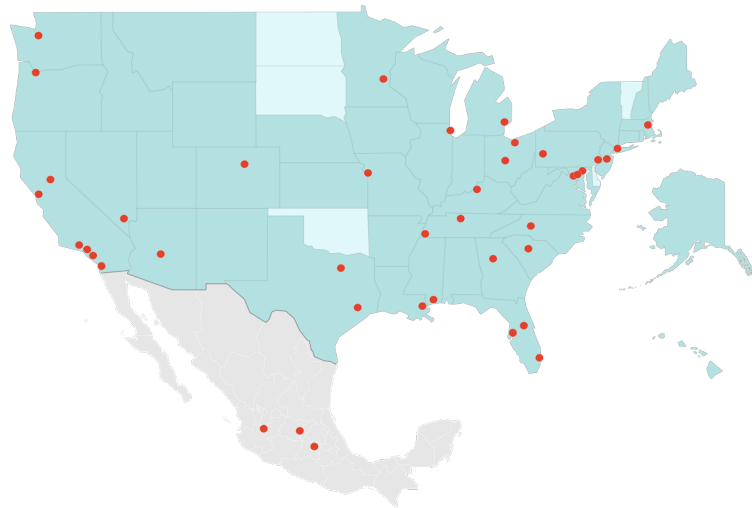


OSHA’s National Office is encouraging Regional and Area Offices to increase the number of citations issued. As a result, inspectors are looking at the following “low-hanging” fruit list to find more violations.

1.	§ 1910.132(d)(1)	Workplace hazard assessment for PPE
2.	§ 1910.132(d)(1)	Written certification that PPE Hazard Assessment has been completed
3.	§ 1910.37(a)	Maintenance of exit routes
4.	§ 1910.157(c)	Mounting and location of portable fire extinguishers
5.	§ 1910.157(e)	Inspection, maintenance and testing of portable fire extinguishers
6.	§ 1910.305(b)	Electrical cabinets unused opening
7.	§ 1910.305(f)	Use of flexible cords and cables
8.	§ 1910.1200(e)	Written Hazard Communication Program with list of chemicals
9.	§ 1910.305(g)(1)	Extension cord used in place of permanent wiring
10.	§ 1910.304(g)(5)	Missing grounding prongs
11.	§ 1910.212(a)	Machine guarding
12.	§ 1910.22(a)	Housekeeping
13.	§ 1910.176(b)	Secure storage of materials
14.	§ 1910.151(b)	Medical services and first aid supplies
15.	§ 1910.132(f)	Written certification of training for personal protective equipment
16.	§ 1910.38	Emergency action plan
17.	§ 1910.25(d).26(c)	Portable ladders, care and maintenance
18.	§ 1910.22(d)	Floor loading/rating protection
19.	§ 1910.151(c)	No emergency eye wash stations for employees using corrosive materials
20.	§ 1910.147(c)(4)&(6)	Lockout/tagout procedures for equipment not developed
21.	§1910.157(g)(1)	Fire extinguisher training
22.	§1910.157(g)(2)	Initial and annual fire extinguisher training
23.	§1910.147(c)(6)	Lockout/tagout – period inspections
24.	§1910.141(d)(2)	Lavatories having hot and cold water
25.	§1904.32(b)	OSHA 300A Summary - certification



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With almost 600 attorneys in 41 offices across the United States and Mexico, Fisher Phillips is an international labor and employment firm providing practical business solutions for employers' workplace legal problems. We regularly advise and counsel clients on issues surrounding wage and hour, employment discrimination and harassment, litigation, workplace safety, immigration, trade secrets and non-competes, and more.

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