



Preparing for an OSHA Inspection Why does Cal/OSHA visit?

There are five reasons why a Cal/OSHA Safety Compliance Officer may visit a jobsite. These are in order of priority:

- 1. Imminent Hazard:** If a Cal/OSHA Compliance Officer sees a dangerous situation or condition that could result in a serious injury or fatality, or is alerted to such a situation by a third party, he or she is obligated to immediately investigate and address the situation.
- 2. Accident Investigation:** Should a serious accident occur that results in a significant injury or death, and Cal/OSHA is notified either by your company or a third party such as an EMT or hospital admissions person, a Compliance Officer may visit the jobsite unannounced to investigate and determine if noncompliance to regulations contributed to the accident. Please remember that you are always required to report all serious injuries to Cal/OSHA within 8 hours even though it may have been reported by somebody else.
- 3. Employee or Third Party Complaint:** If someone notifies Cal/OSHA of an unsafe condition or at-risk situation that could result in an accident or injury, a Compliance Officer may come to the jobsite to investigate. They will provide specific information as to the nature of the complaint (e.g., unsafe trenches, lack of water for heat illness prevention, toxic odors, high noise levels), but they do not have to disclose the name of the complainant.
- 4. Programmed Inspection:** The majority of inspections fall under this category. Every year Cal/OSHA targets certain employers and types of businesses to visit. This is based on a number of criteria including previous accident experience or high hazard industries.
- 5. Follow-up Inspections:** Usually follow-ups are made by a Compliance Officer to determine if improvements have been made, and unsafe conditions or work practices have been adequately addressed.

What are the most frequent matters that are subject to violations?

Regulation	Description
8 CCR 3395(i)	Heat Illness Prevention (requirement to have plan)
8 CCR 1509(a)	Injury and Illness Prevention Program (establish and maintain an effective IIPP)
8 CCR 1509(c)	Injury and Illness Prevention Program (posting Code of Safe Practices)
8 CCR 1512(b)	Emergency Medical Services (appropriately trained personnel)
8 CCR 342(a)	Reporting Work-Connected Fatalities and Serious Injuries (immediate reporting)
8 CCR 1509(b)	Injury and Illness Prevention Program (adopting a written Code of Safe Practices for all operations)
8 CCR 1644(a)	Metal Scaffolds (general requirements)
8 CCR 3276(e)	Portable Ladders (care, use, inspection, and maintenance)
8 CCR 1712(c)	Reinforcing Steel and Other Similar Projections (protection from)
8 CCR 1670(a)	Personal Fall: Arrest Systems & Restraint Systems, & Positioning Devices (trigger height)

Can you personally identify with any of the issues above? Maybe a potential problem at one of your jobsites? Here is your chance to do something about it.

Remember, a workers' compensation injury or illness has an influence on your Experience Modification Rate, and can lead to higher insurance premiums, so keep your employees safe.

If an OSHA inspector visits your jobsite, you should always:

1. Greet him/her in a cordial, businesslike manner.
2. Ask for proper identification.
3. Allow them to enter the workplace without delay upon presentation of proper ID.
4. Ask for ID of persons accompanying the Compliance Officer.
5. Call the Compliance Officer's office in event that you have questions about identity.
6. Record the names, affiliations/titles and addresses of all government persons present.
7. Obtain the purpose and basis of the visit.
8. Notify your Corporate Safety Director immediately and request a delay (up to an hour) until he/she can be present.

Begin the inspection process and be sure to document what takes place, what areas were visited and who said what and when. Stay calm and carry on with a good attitude. Always try to cooperate but don't take any bait to accept blame without a good reason. What you say can and will be used against you, so be careful with your words and general conduct.

What is a violation going to cost?

Cal/OSHA fines increased in 2019 as follows:

- Serious violation, Other-Than-Serious, Posting Requirements, \$13,260.
- \$13,260 per day beyond abatement date for "Failure to Abate" violations.
- Willful or Repeat violation, \$132,598.

According to a California Labor Enforcement Task Force report to the state legislature, in 2014 Cal/OSHA's labor enforcement task force inspected 794 businesses and found 86% of them were out of compliance, issuing 2,779 violations, 30% of them serious, totaling \$1.3 million in fines. Two years later, Cal/OSHA inspected 813 businesses, finding 93% of them were out of compliance, issuing 2,736 citations, 15% of them serious, all totaling \$2.5 million in fines—nearly double the amount for the same number of citations from two years earlier.

Play it smart. Know and follow the safety rules. Be diligent with your employee training and inspections for hazards. Document your safety training. Stop work if necessary to get into compliance; it's the best policy for you and your employees.

For more information, contact Rich Lawler, our safety consultant, at 415.290.0387, or your PentaRisk Account Executive. Visit our website at <http://pentarisk.com/>.

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