

Benefits Of A Mock-OSHA Inspection

**Presentation by: Ron Pitcher
Pitcher Insurance Agency**

You Must Be Prepared

- General Duty Clause requires you provide a safe workplace
- OSHA may demand your internal documents as proof

The Reasons Why OSHA May Knock On Your Door

Priority	Probability
Imminent Danger (Reasonable certainty that a danger exists that can be expected to cause immediate death or serious physical harm)	<5%
Catastrophic or Fatal Accidents (Per new accident reporting requirements)	40%

The Reasons Why OSHA May Knock On Your Door

Priority	Probability
Employee Complaints & Referrals (Includes third-party whistleblowers and interagency referrals)	40%
Programmed Inspections (National and determined by OSHA Region. Few affecting PMA)	<5%
Follow-Up Inspections	<5%

Tremendous Increase In Fines And Penalties (Indexed Annually For Inflation)

Type Of Violation	Maximum
Serious	\$12,471 Per Violation
Other-Than-Serious	\$12,471 Per Violation
Willful Or Repeated	\$124,709 Per Violation
Posting Requirements	\$12,471 Per Violation
Failure To Abate	\$12,471 Per Day

Tremendous Increase In Fines And Penalties (Indexed Annually For Inflation)

- OSHA now has enforcement directive allowing them to inspect all your other facilities if they so choose
- OSHA can expand their inspections on multi-employer worksites
- OSHA has the right to issue citations on a violation-by-violation basis (Severe Violator Enforcement Program)
- Willful violations may result in up to six months jail time plus \$250,000 imposed on the individual personally

Top Citations – General Industry

Standard	Comments
Fall Protection	New Walking-Working Surfaces Standard
HAZCOM	<ul style="list-style-type: none">• Chemical inventory• Safety Data Sheets• Training• Portable Containers
Scaffolding	Now includes Scissor Lifts

Top Citations – General Industry

Standard	Comments
Respiratory Protection	Focus on welding (including robotics)
LOTO	<ul style="list-style-type: none">• Procedures• Defining categories of employees• Hazard assessment• Primary safeguards• Control Circuit Reliability• Training

Top Citations – General Industry

Standard	Comments
Powered Industrial Trucks	<ul style="list-style-type: none">• Inspections• Training• LOTO procedures
Ladders	New Walking-Working Surfaces Standard
Electrical Wiring Methods	<ul style="list-style-type: none">• LOTO procedures• Maintenance

Top Citations – General Industry

Standard	Comments
Machine Guarding	<ul style="list-style-type: none">• Hazard assessments• Adequacy• Employee training
Inspections	OSHA Permits Many Ways To Do Them But They Must Be Done
PPE	<ul style="list-style-type: none">• Hazard assessments• Payment method

The Greatest OSHA Exposures PMA Members Face

Exposure	Comments
Hazard Assessments	Virtually all OSHA standards require them

The Greatest OSHA Exposures PMA Members Face

Exposure	Comments
Employee Training	All Training Elements Must Be Covered
Employee Re-Training	Many OSHA Standards Require Them
Enforcement Of Safety Rules	Implicit In Virtually All Standards Plus General Duty Clause

The Greatest OSHA Exposures PMA Members Face

Exposure	Comments
Employee Complaints	There Are Many Proven Methods To Reduce Them
LOTO Procedures	OSHA's Enforcement Directive Outlines Many Elements Often Missing
Overlooked Training Requirements	<ul style="list-style-type: none">• Cranes/Scissor Lifts• Fall Protection

The Greatest OSHA Exposures PMA Members Face

Safety And Health Management System

- Appropriate management commitment and employee involvement;
- Worksite analysis for the purpose of hazard identification;
- Hazard prevention and control measures;
- Safety and health training.

OSHA Field Operations Manual, page 6-11

- Good faith credits up to 25% on fines
- No credits if you do not have one

Components Of An Effective Mock-OSHA Inspection

- Addresses every OSHA standard that affects your business
- Includes all relevant interpretative bulletins and letters promulgated by OSHA
- Explains in layman's terms the nature of potential citations
- Estimated the fines and penalties
- Prioritizes the citations based upon probability of citation based upon OSHA enforcement activity
- Offers cost effective solutions
- **CONFIDENTIAL!**

Benefit #1 – Comprehensive Snapshot

- You know exactly where you stand in the worst case scenario
- Clarity and transparency
- Every OSHA standard is thoroughly evaluated (nothing falls through the cracks)
- Applies all current applications and enforcement decisions based upon OSHA's internal directives and interpretative letters
- You know exactly where your greatest exposure is to citation and fines

Benefit #2 – Practice Advise & Solutions

- Middle-market companies have different constraints (keeping up with OSHA regulations, buying new and used machines, no full time safety director, etc.)
- The burden often falls on supervisors to maintain the safety culture you want
- Many interpretive letters provide insight into how to implement innovative solutions
- The solutions must not demand you throw out everything you have done in the past...just improve it.

Benefit #2 – Practice Advise & Solutions

Examples

- Audiometric tests are only required in areas where a Hearing Conservation Program is required
- Primary safeguards can be used in lieu of LOTO
- How to train employees fast without disrupting production
- How too use internal documents you already have (not reinventing the wheel)
- Implementing and documenting interim abatement solutions may by you time to budget final solutions.

Benefit #3 – Practical Education

- Learn what procedures OSHA will use to inspect your facility
- What to do and what NOT to do when OSHA knocks on your door (OSHA Triage Program)
- Learn what the OSHA standards really mean to your business and what your real options are
- Learn how interim abatement can greatly reduce your citations and fines
- Learn how to maximize the credits that are available to you.

Benefit #4 – Confidential

Benefits

- Nothing is supplied to OSHA.
- You own the report and all work papers
- When pressed by OSHA, turn them over to your corporate attorney (client-attorney privilege)

Any Questions?

