**OSHA’s Back! Responding to an OSHA Inspection**

During the pandemic, OSHA, both at the state and federal level, dramatically curtailed onsite inspections, but we have now passed that period and quite simply, OSHA is back. The number of printing operations being inspected is on the rise, and the trend is expected to continue, especially because the Biden Administration has made enforcement, and hiring more inspectors, a priority.

When an OSHA compliance officer shows up at your facility for an inspection, you are not going to have a normal day. How well the inspection goes depends upon how prepared you are. Remember, being in compliance with safety and health obligations will not prevent an inspection. Having a plan to manage the inspection will help ease anxiety about them and better demonstrate your company is serious about providing a safe workplace and OSHA compliance.

**Inspection Triggers**

Right now, we see a variety of reasons why OSHA might walk through your door. Employee complaints are on the rise, plus printing is considered a high hazard industry for amputations, which automatically results in programmed inspections. Here at PRINTING United Alliance, we have also seen an increase in inspections due to accidents in the workplace that must be reported to OSHA.

**Inspection Sequence**

So, what happens when OSHA walks in the door? First, it is important that your front office personnel know who on staff to call. Ask the OSHA inspector to follow your visitor requirements, including signing in at the front desk to receive a badge, watching any overview programs, etc.

Keep in mind that even before an onsite OSHA inspection occurs the compliance officer will have done homework on your company. Usually, they will review the inspection history of the company, any cooperative program participation, the type of company, its operations and processes via the company’s website or other industry references, and determine what, if any, industry standards are applicable. A typical on-site OSHA inspection would involve the following:

* Presentation of credentials
* Opening conference
* Examination of documents
* Employee interviews
* Facility inspection/walk around
* Closing conference.

**Presentation of Credentials**

When the compliance officer arrives, he or she will identify themselves as a compliance officer and present their photo identification, which can be and should be verified.

Once the OSHA compliance officer is greeted by the key person of the company with confirmed credentials, they should be directed to a private meeting room or office for the opening conference. The room should be cleared of any confidential business materials or potentially incriminating compliance information.

In rare instances it may be possible, by request, to delay an inspection, but it usually only for a brief period of time. This is sometimes requested to contact and assemble the key personnel of the company. However, OSHA does not need to grant such requests. Asking the compliance officer to come back later is not common and the decision is made at the discretion of the compliance officer or OSHA Area office.

**Opening Conference**

The opening conference should take place in a private conference room or office that does not contain any visible business information, particularly anything that might indicate OSHA compliance issues. The compliance officer will explain the initial reason for the inspection and describe the scope of the inspection which can include a records review, employee interviews, and a physical inspection of the facility and operations. If the inspection was prompted by an employee complaint, you are entitled to receive a copy of the complaint, although you will not receive the name of the complainant. The compliance officer may ask if an employee representative is available to participate in the inspection.

The employer has the right to have a company representative to accompany the compliance officer throughout the inspection process except during any employee interviews which are confidential and must be conducted in private. The compliance officer should never be allowed to walk around the operation unescorted. They should always be accompanied by a company representative.

**Examination of Documents**

The compliance officer will usually ask for the last five years of your OSHA 300 Logs and other associated injury and illness records. They may also ask to see any written safety programs and training records required under the various OSHA regulations. If you have any doubt that he or she has a right to see something, politely ask what specific regulation requires documentation.

**Interviewing Employees**

At some point the compliance officer may want to interview employees. OSHA has the right to privately talk to workers during an inspection and to record the interviews. The purpose of these private interviews with the compliance officer is to seek information about the level of safety knowledge and training the employee has, and to learn about any safety concerns about the workplace.

**Facility Inspection/ Walk Around**

Depending on the nature and scope of the inspection, the compliance officer may request to see the facility operations or a specific piece of equipment. Prior to the walk around, make sure the OSHA compliance officer and any employees who are escorting the compliance officer are wearing the required personal protective equipment (PPE) including safety glasses, safety shoes, earplugs, etc., before entering the production area of the facility.

Depending upon the purpose of the visit, it is best to just focus on what the compliance officer wants to see and, if possible, do not give a full tour of the entire facility. Try to take the shortest route to the area in question. After inspection of the specific area, immediately escort the compliance officer back to the conference room. Do everything possible to avoid areas of the facility where violations may be present because the compliance officer can, and will, cite apparent violations that are in plain view.

**Closing Conference**

After inspection in the specific area, the compliance officer will discuss all apparent safety violations and other safety hazards observed during the facility review/walk through. The compliance officer will discuss all the relevant OSHA standards that were observed as violations and may discuss abatement requirements for some of the alleged violations. They may even provide some suggestions that have worked at other facilities, as well as the employer’s rights, which include conferences with OSHA, as well as the company’s ability to contest citations and/or penalties. The compliance officer may also suggest information on OSHA assistance programs, such as consultation programs, achievement programs, and outreach materials available to help companies comply with OSHA requirements.

Notably, the compliance officer will not be specific about which violations will be cited because they must first submit their report to the Area Office for processing. In addition, the compliance officer may need to do additional research and consultation with their staff about possible violations.

**Summary**

*With the rise in OSHA’s enforcement activities, it is critical that no more than ever you take steps to both understand your obligations under OSHA’s regulations and take steps to implement a comprehensive safety program. Good news – you do not have to walk this path alone. Marci Kinter and Gary Jones at PRINTING United Alliance are ready to help you both in the development of your safety program and when OSHA comes to call. They can be reached, respectively, at* [*mkinter@printing.org*](mailto:mkinter@printing.org)*;* [*gjones@printing.org*](mailto:gjones@printing.org)*.*