



An OSHA Inspector is in my Lobby and They Want to Inspect. What Do I Do?

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Are you going to require a warrant? The advantages to requiring a warrant to inspect is that if there is a problem you are aware of and you can fix it quickly then you can avoid some citations. The disadvantages to requiring the inspector to go to court to get a warrant is that by causing the inspector to do the extra work they are going to come back with an attitude. They also will assume there are things wrong. If you require a warrant once you will also get the reputation of requiring a warrant and the next time they will show up with one already.

Are you prepared for an OSHA inspection? You should follow the OSHA inspector during the inspection. When they take a picture, you take a picture of the same thing. Better yet you can video the inspection.

Ask the inspector why they are there. There are four reasons for an inspection and the inspector will tell you which one is applicable. 1) An employee complaint. Request to see it. They won't tell you who the employee was who complained though. Even if you think you know don't retaliate because that will lead to increased fines. 2) Fatality or accident. You should have been the one to report this to OSHA. 3) A programmed inspection. Your company came up for a random inspection. 4) Eminent danger. There are observable safety concerns that are apparent to the public.

Breakdown of an inspection. The inspection will begin with an opening conference. The inspector will tell you why they are there and what will happen. If your employees have a union, the union representative will be there. If you have any trade secret concerns voice them now so the inspector can ensure they are protected. The inspector will interview employees (which you are not able to sit in on unless they are management), physical inspect your facility. Make sure everyone is wearing the proper protective equipment, including the inspector, during the inspection. The inspector will review documents which will include your safety programs, OSHA 300 logs, records of your training and Right-to-Know documents. The inspection, which could last a few hours or several weeks, ends with a closing conference. The inspector will tell you generally what problems they found. They will not tell you what citations you will receive or how much the penalty will be. They will answer any safety questions you may have.

The aftermath of an OSHA inspection. Within 90 days of the closing conference you will receive your OSHA citations in the mail. You will have 15 business days from the date you receive them to either accept the citations or contest them. Before the deadline for contesting the citations arrives you should set up an informal conference with OSHA. They will reduce the fine and/or the categorization of the citations to settle with you. If you are unable to settle you should file your notice of contest. You will

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then receive a Complaint which you have to file an Answer to. It then becomes like a lawsuit with discovery including depositions and a hearing in front of an administrative law judge.

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