WHAT TO EXPECT FROM AN OSHA INSPECTION

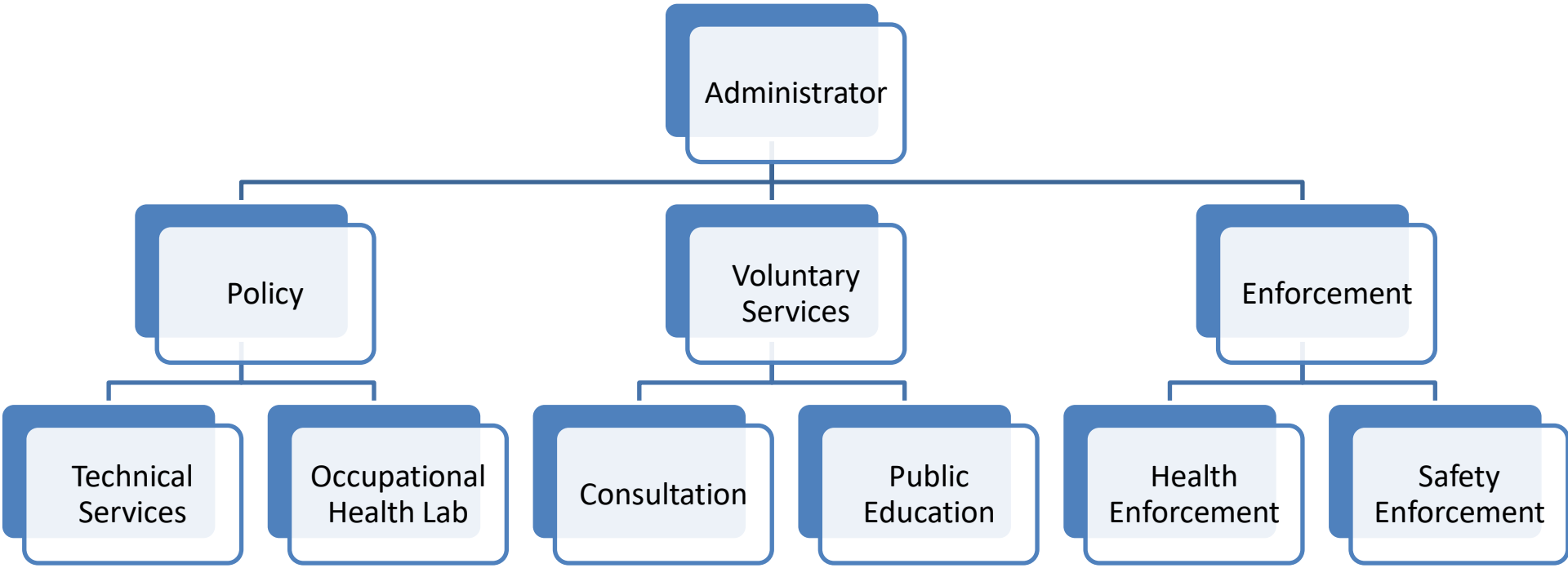
OUTLINE

- Introduction to Oregon OSHA
- Different types of OSHA inspections
- The inspection process
- The violation and penalty process
- Questions

OR-OSHA'S MISSION STATEMENT:

To advance and improve workplace safety and health for all workers in Oregon.

Oregon OSHA Organizational Structure



POLICY/TECHNICAL SERVICES

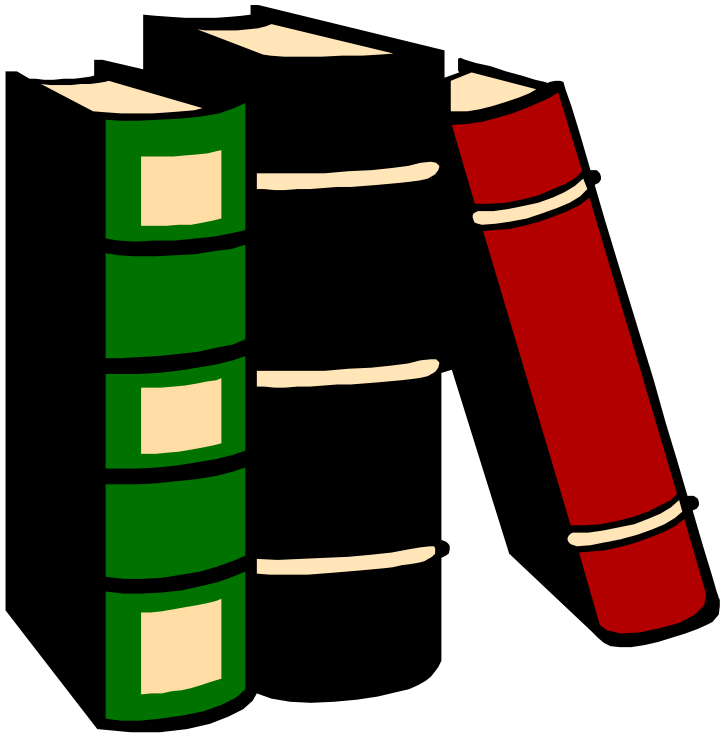
Variances

Regulation Interpretations

Questions/Answers

Technical Information/Regulation History

Statistical Information

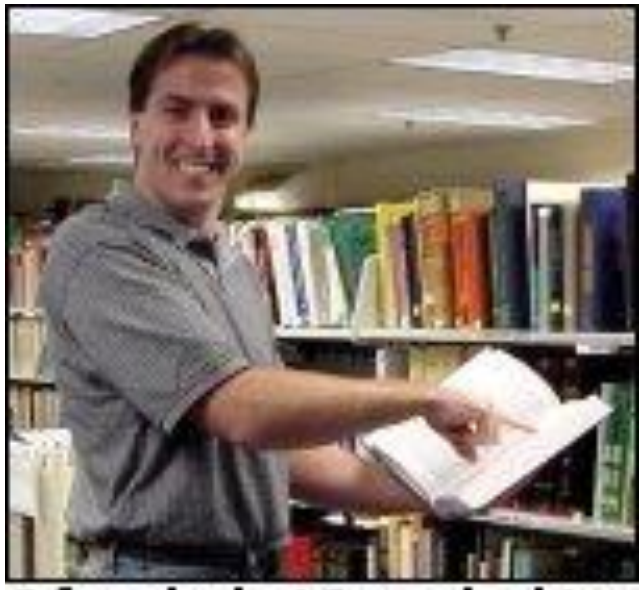


TRAINING SERVICES:

ON-Line Training Classes

Lecture Style Classes

Conferences



Oregon OSHA Online Courses

ONLINE COURSE CATALOG

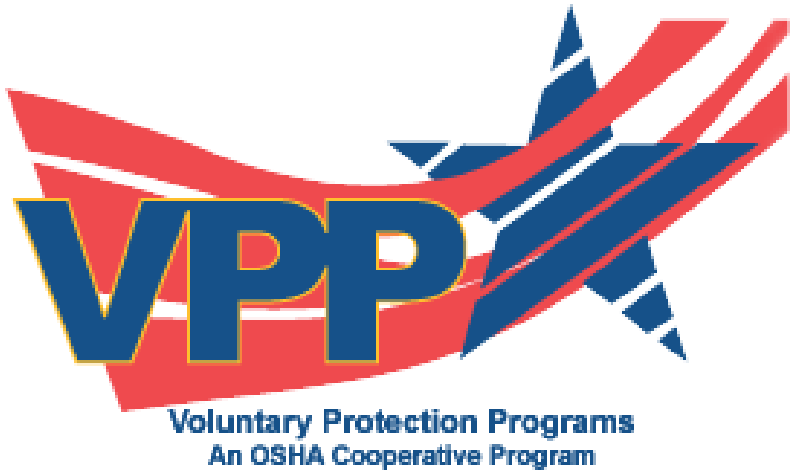
CONSULTATIVE SERVICES:

Safety and Health Management Development

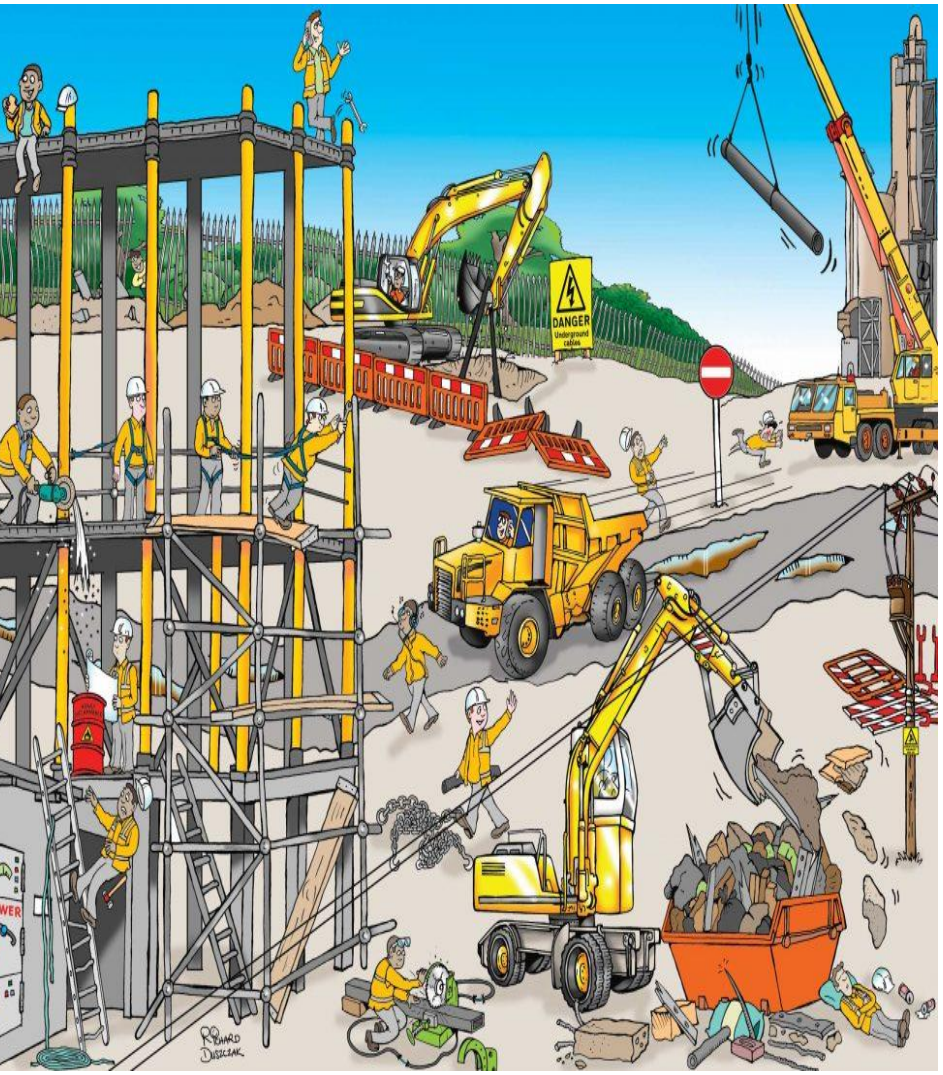
Industrial Hygiene Services/Evaluations

Safety Systems Evaluations

Program Development



SAFETY Enforcement Officers/Consultants



Evaluates things that will "MUNCH-YA, CRUNCH-YA, or EAT-YA"

Lockout/Tagout

Electrical

Equipment Guarding

Cranes

Fall Protection

Industrial Vehicles

HEALTH Enforcement Officer/Consultant

Evaluates things that are the: "Silent Hazards – Health hazards"

Hearing Loss

Chemical Exposures – Chronic illnesses

Ergonomics

Respirators/PPE

Confined Spaces

Bloodborne Pathogens

Types of Inspections: Priority of inspections

Imminent Danger
Accident/Fatality
Complaints
Referrals
Programmed Inspections
Follow-up Inspections

IMMINENT DANGER

Fall Protection Concerns
Trenching Concerns
Active Confined Space Entry Concerns

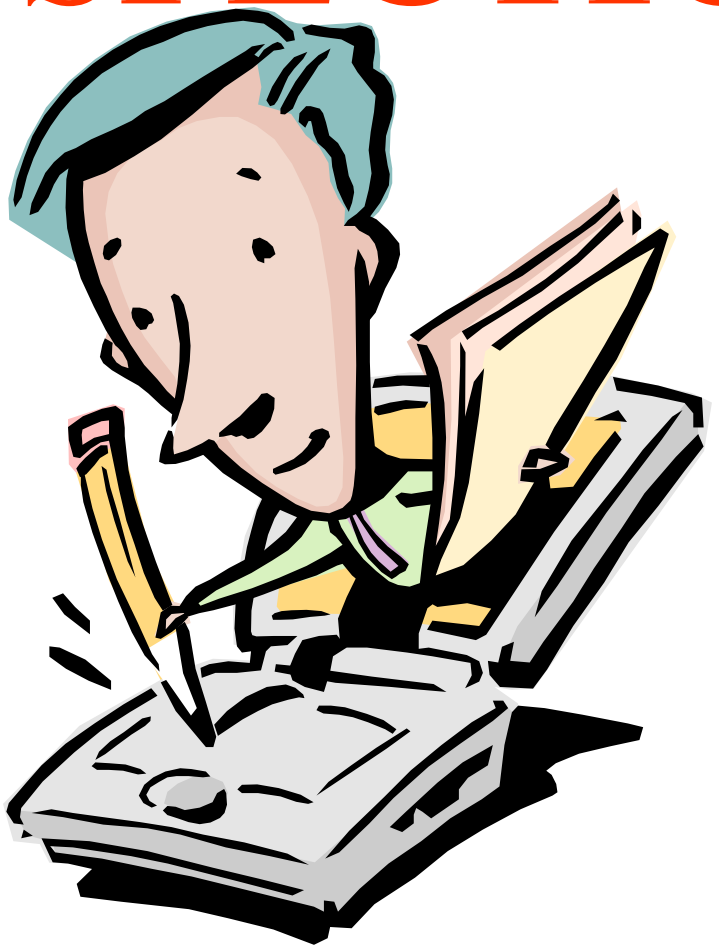
FATALITY, CATASTROPHE or ACCIDENT

COMPLAINTS

REFERRALS

PROGRAMMED INSPECTIONS

FOLLOW-UP INSPECTIONS



EMPHASIS

Cannabis Processing: PD A-307

Falls in All Industries: PD A-239

Field Sanitation: PD A-174

Hospitals and Nursing and Residential Care Facilities: PD A-284

Occupational Exposures to Isocyanates: PD A-256

Pesticides: PD A-235

Preventing Heat-Related Illness: PD A-299

Struck-by Hazards in the Logging Industry: PD A-245

Tethered Logging: PD A-298

Amputations: PD A-280

Combustible Dust: PD A-268

Hexavalent Chromium: PD A-278

Lead in General Industry and Construction: PD A-273

Process Safety Management of Highly Hazardous Chemicals: PD A-177

Severe Violator Enforcement Program (SVEP): PD A-277

Trenching and Excavation: PD A-265

Warehousing and Distribution Center Operations: PD A-305

INSPECTION PROCESS

Opening Conference

Facility Walk

Document Review

Employee Interviews

IH Sampling

Closing Conference

"For a moment there I thought I wasn't going to find any unsafe conditions at this job site."

OPENING CONFERENCE

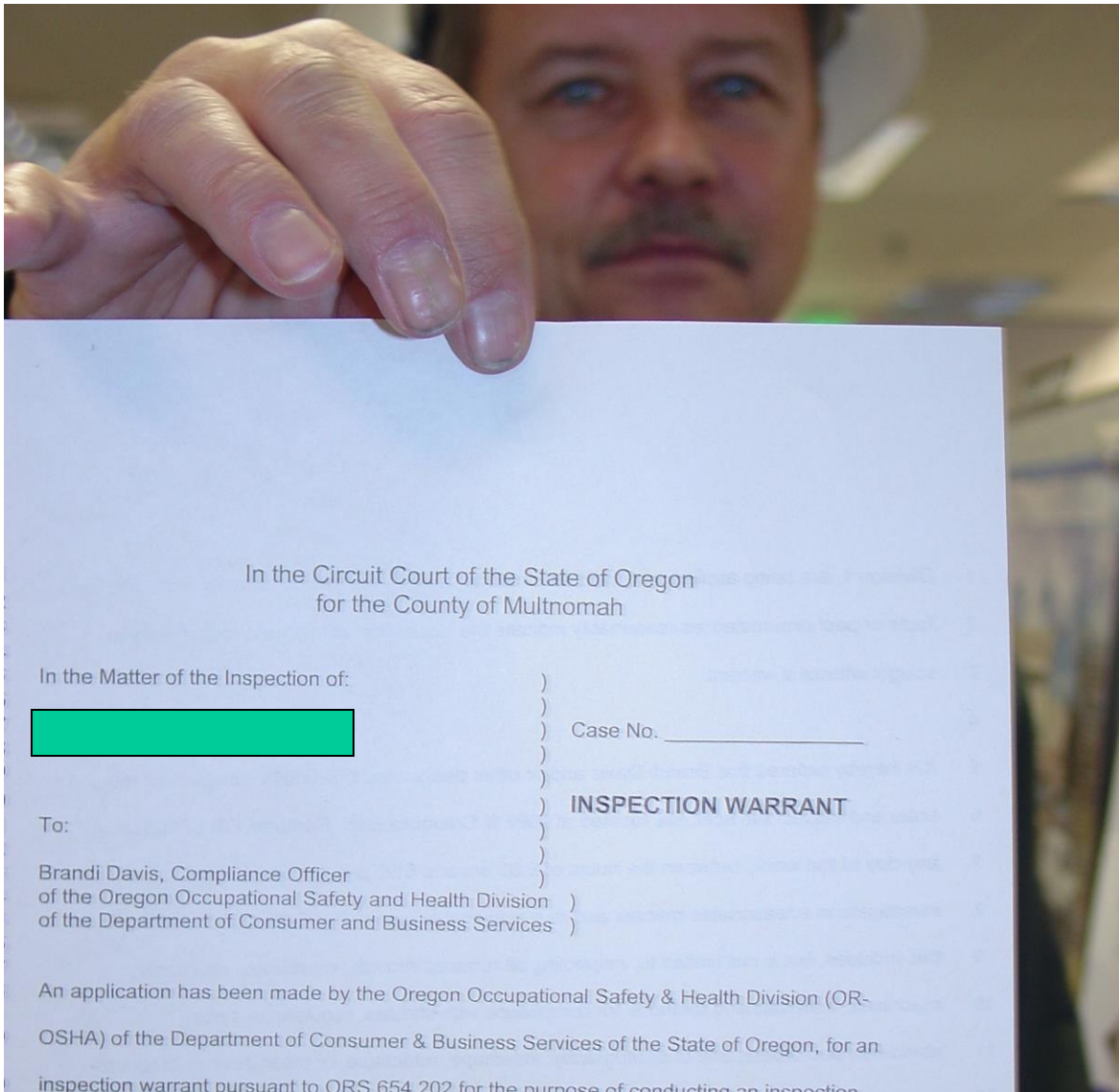
EMPLOYER RIGHTS

* Refuse entry

* Participate in inspection process

* Attend opening conference

* Attend closing conference



Facility Walk

Housekeeping

Workstation Design – Ergonomics

Machine Guarding

Electrical Hazards

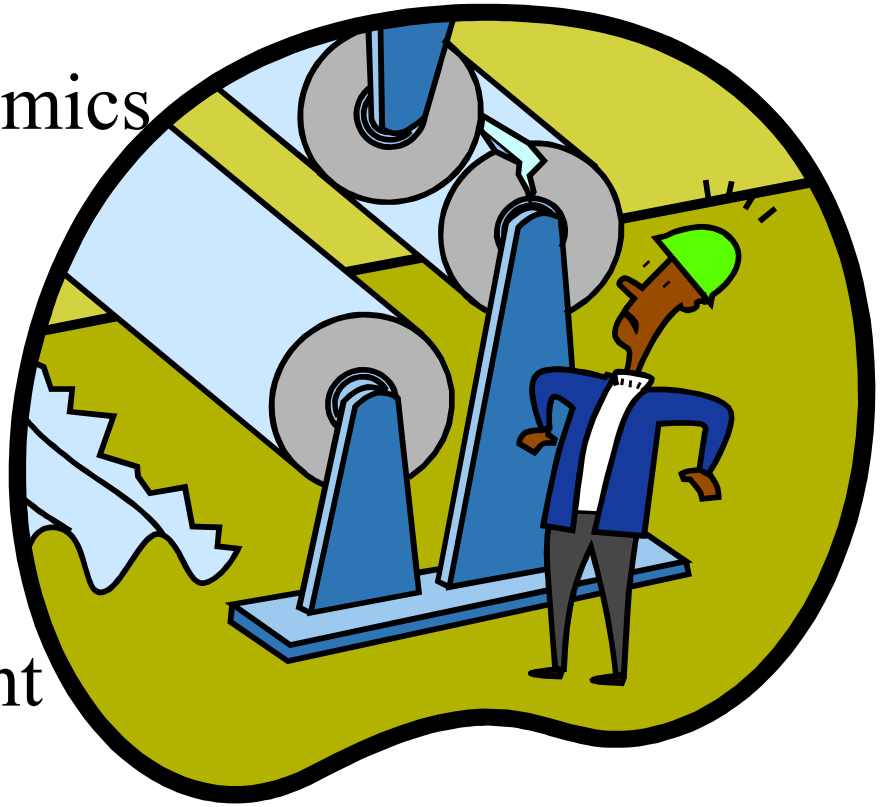
Chemical Exposures

Personal Protective Equipment

Tools

Vehicles

Work Practices



Red Tags

NOTICE

UNSAFE PLACE OF EMPLOYMENT

This equipment/condition: Perimeter Concrete Wall

Location: 9087 N. Columbia Blvd. Portland OR 97203

Is unsafe/unhealthful in that:

Perimeter Wall unstable

FURTHER USE PROHIBITED

Employer: [redacted]

Date posted: 11.10.08 Time: 3:15PM Posted by: Brandi Davis

For authorization to have this notice removed, you must call: 503.229.[redacted] 10 3:32 PM

State of Oregon

Document Review

DEPARTMENT OF CONSUMER & BUSINESS SERVICES

Oregon Occupational Safety & Health Division

350 Winter St. NE, Rm. 430 • Salem, OR 97301-3882 • (503) 378-3272 • Fax: (503) 947-7461

Industrial Hygiene Information

Date: 2.19.09 Report number: 77575 -013-09 Employer:

Injury and illness records
- [x] OSHA 300 Log 2008 copy ✓
- [ ] 801s
- [x] Hours worked 2008 copy ✓

First aid
- [ ] Emergency medical plan

Confined space
- [ ] Permit-required confined-space plan
- [ ] Entry records
- [ ] Instruments records/calibration
- [ ] Training records

Hazardous waste and emergency response
- [ ] Emergency-response plan
- [ ] Emergency-action plan
- [ ] Medical surveillance
- [ ] Training records

Biohazards
- [ ] Bloodborne pathogen
  - [ ] Exposure control plan
  - [ ] Hep. B vaccine — declination statements
  - [ ] Sharps injury log
- [ ] Tuberculosis

Hazard communication
- [x] Written program ✓
- [ ] List of chemicals
- [ ] MSDSs
- [ ] Training records

Safety committee
- [x] Minutes last 6 months min
- [ ] Quarterly inspection reports

Personal protective equipment
- [ ] Hazard assessment & certification
- [ ] Training records & certification

Air contaminants
- [ ] Air sampling records
- [ ] Training records/medical surveillance

Respiratory protection
- [ ] Written program
- [ ] Fit testing records
- [ ] Medical-evaluation records
- [ ] Training records

Noise
- [ ] Hearing conservation program/ audiometric testing program
- [ ] Noise monitoring

Employee Interviews

IH Sampling

Closing Conference

TYPES OF VIOLATIONS

OTHER THAN SERIOUS

SERIOUS

REPEAT

FAILURE TO ABATE

WILLFUL

VIOLATION RATING

FIRST INSTANCE PENALTY TABLE		
Other than serious-rated violation		
Probability	Severity (base penalty)	
	Other than serious	
Low	$0	
High	$300	
Serious-rated violation		
Probability	Severity (base penalty)	
	Serious Physical Harm	Death
Low	$3,530	$11,769
Medium	$7,060	$14,123
High	$9,415	$16,475

EMPLOYER SIZE ADJUSTMENT TABLE	
Number of employees	Adjustment reduction
1-10	-75%
11-25	-60%
26-90	-40%
91-130	-30%
131-175	-20%
176-250	-10%
251 or more	No size adjustment

Violations are based on a probability and severity rating.

REPEAT VIOLATIONS

Violations and Penalties — Repeat Violations

REPEAT TABLE (OTHER THAN SERIOUS)	
Repeat occurrence	Other than serious
1st repeat	$11,769
2nd repeat	$11,769
3rd repeat	$11,769
Additional repeats	Discretion of administrator

MULTIPLIER (SERIOUS-RATED VIOLATION)	
Repeat occurrence	First Instance serious initial penalty
1st repeat	x 4 base penalty
2nd repeat	x 6 base penalty
3rd repeat	x 8 base penalty
Additional repeats	Discretion of administrator

Repeat violation: An employer's second or subsequent violation involving a substantially similar violation as the earlier violation or violations, cited within the previous three years, will be cited as a repeat violation.

REPEAT 51 OR GREATER EMPLOYEES

Serious-rated violation

Probability	Severity					
	Serious Physical Harm			Death		
	First	Second	Third	First	Second	Third
Low	$14,120	$21,181	$28,241	$47,077	$70,615	$94,153
Medium	$28,241	$42,361	$56,482	$56,490	$84,735	$112,981
High	$37,659	$56,488	$75,318	$65,900	$98,850	$131,799
Additional repeats	Discretion of administrator					

A civil penalty reduction based on size will be applied to employers with 50 or fewer employees. A reduction of $7,381 will be applied to civil penalties for repeat violations as shown in the table below.

REPEAT 50 OR FEWER EMPLOYEES

Serious-rated violation

Probability	Severity					
	Serious Physical Harm			Death		
	First	Second	Third	First	Second	Third
Low	$11,769	$13,800	$20,860	$39,696	$63,234	$86,772
Medium	$20,860	$34,980	$49,101	$49,109	$77,354	$105,600
High	$30,278	$49,107	$67,937	$58,519	$91,469	$124,418
Additional repeats	Discretion of administrator					

NOTE: The minimum-adjusted penalty for a repeat violation is $11,769.

The maximum-adjusted penalty amount for a repeat violation is $ $164,759.

FAILURE TO ABATE

Before the State of Oregon Department of Consumer & Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)
350 Winter St. NE, Rm. 430
Salem, OR 97310

In the Matter of the Alleged Violation of ORS 654, the OREGON SAFE EMPLOYMENT ACT)
To:)

NOTICE OF FAILURE TO CORRECT VIOLATION

On _____, 19____, Citation Number _____ was issued to you in accordance with the provisions of ORS 654, the Oregon Safe Employment Act, notifying you of violation(s) of the Act and the date(s) by which it was to be corrected.

Based on a reinspection on _____, 19____, it is alleged that you have failed to correct the violation(s) specified below within the time prescribed and you are now accumulating daily penalties.

Item number	Date correction was required	Accumulated non-abatement days		Central office use only: Additional days		Penalty per day		Total penalty
_____	_____	_____	+	_____	X	_____	=	_____
_____	_____	_____	+	_____	X	_____	=	_____
_____	_____	_____	+	_____	X	_____	=	_____
_____	_____	_____	+	_____	X	_____	=	_____
_____	_____	_____	+	_____	X	_____	=	_____
			+		X		=	

WILLFUL VIOLATION

Violations and Penalties — Caused or Contributed to a Work-Related Death and Willful Violations

WILLFUL TABLE		
Other than serious-rated violation		
First	$11,769	
Additional repeats	Discretion of Administrator	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	$26,360	$79,080
Medium	$36,904	$105,440
High	$52,720	$137,071

Note: *Minimum willful penalty of $11,769*
Maximum willfull penalty of $164,759

Willful violation: A violation that is committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

WILLFUL THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	$52,720	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	$68,536	$179,247
Medium	$100,168	$205,607
High	$131,799	$258,327

REPEAT THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Other than serious-rated violation		
All	$52,720	
Serious-rated violation		
Probability	Severity	
	Serious Physical Harm	Death
Low	$57,992	$168,703
Medium	$89,624	$195,063
High	$121,256	$247,783

SERIOUS THAT CAUSED OR CONTRIBUTED TO A WORK-RELATED FATALITY		
Probability	Severity	
	Serious Physical Harm	Death
Low	$21,088	$31,632
Medium	$24,251	$39,013
High	$27,414	$45,339

Note: *The minimum-adjusted penalty for a serious violation that caused or contributed to a work related fatality is $21,088.*

The maximum-adjusted penalty for a for a serious violation that caused or contributed to a work related fatality is $52,720.

Caused or contributed to a work-related fatality violation:
The workplace death of an employee that was attributed to a violation or in which the violation was a related factor, as determined by the compliance officer.

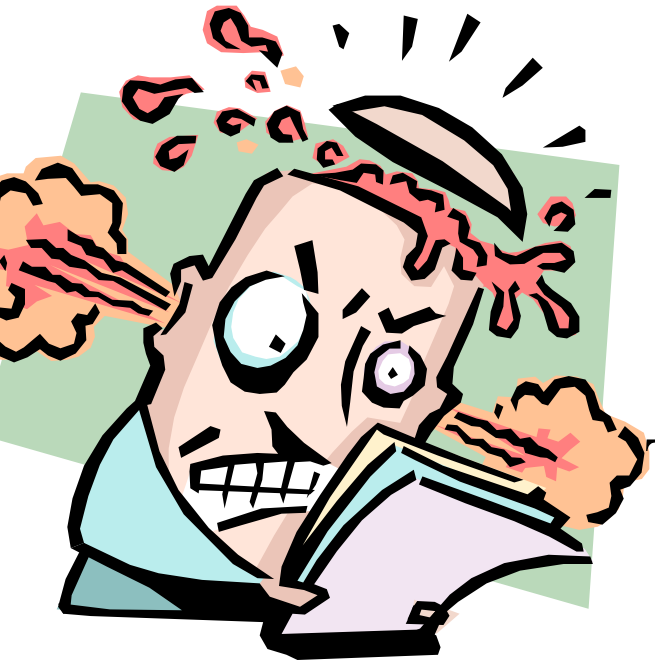
For complete rule requirements, refer to OAR 437-001-0135 through 437-001-0203.

Note: *The minimum-adjusted penalty for a repeat or willful violation that caused or contributed to a work related fatality is $52,720.*
The maximum-adjusted penalty for a repeat or willful violation that caused or contributed to a work related fatality is $263,599

440-5632 (12/24/COM)

APPEAL RIGHTS

EMPLOYERS CAN APPEAL CITATIONS:



Must be filed within 30 days

Can Appeal for any reason:

* PENALTY AMOUNT
* ABATEMENT TIME
* THE ALLEDGED VIOLATION

Two Avenues for Appeals

* Informal
* Formal

I wish I could think of a QUESTION!