

OSHA Inspection Checklist

Note to employer: This checklist gives you some of the basics on what to do during an OSHA inspection. If an OSHA inspector shows up to investigate a fatality or other serious injury, we recommend that you immediately contact an attorney who is well-versed in OSHA laws.

- Hold an opening conference with the inspector to determine why the inspector is there and how the inspection will be handled.
- Be certain that competent personnel versed in OSHA matters are available to accompany the inspector on his or her "walk-through" investigation.
- Choose at least one management representative (some attorneys recommend two) to accompany the inspector. Know that employees also have the right to choose an employee representative (if represented by a union).
- Use the most direct route to the area(s) the investigator is there to inspect. Don't allow the inspector to walk through your entire operation if it is not part of the scope of the investigation. Know that the inspector can cite you for any violations that are in "plain view."
- Keep your cool throughout the inspection. Becoming belligerent will only make matters worse.
- Truthfully and concisely answer the questions the inspector asks, but don't volunteer any extraneous information.

- Show the inspector the basic documents he or she asks to see (if not legally privileged), even if they are incomplete. Make a copy of all documents provided to the inspector.

Note: If an inspector asks for such documents as production records in order to track how an accident occurred, agree to provide the information but ask if you could mail it in the next day or so. This would allow you time to show the documents to your attorney before providing them to OSHA.

- Don't falsify any documents or destroy what could be damaging documents.
- Allow the OSHA inspector to: note and photograph or videotape anything within plain view, collect air samples, monitor noise levels, survey existing engineering controls, and monitor employee exposure to toxic fumes gases or dusts. Take photographs or copies of anything the inspector photographs or copies.

Note: Try to keep the inspection focused and limited to the designated areas. Don't let the inspector just "wander around."

- Take notes during the OSHA inspection. Immediately transcribe them after the inspector leaves. Note anything unusual that occurs, such as the inspector making "off-the-cuff" remarks. If the-inspector takes photographs, air samples, etc., try to do the same so you have a record of everything the inspector has.

☒ Know that the inspector has the right to interview supervisors and non-supervisory employees. You have a right to have a management representative or attorney present at supervisor interviews. Train your supervisors ahead of time to only answer what is asked of them and not to provide extraneous information. If possible, try to spend a few minutes with the supervisor before bringing the person to the OSHA investigator. It's a good idea to accompany the supervisor during the interview since the employer may be responsible for what the supervisor says.

☒ Allow the OSHA inspector to interview non-supervisory employees privately. You do not have to pay employees for interviews, but we recommend you do. Tell them to be cooperative, but advise them that they aren't required to talk to the inspector. Let them know that they may be asked by the inspector to sign a statement after the inspector finishes taking notes. Suggest to them that if they choose to sign, it would be a good idea for them to get a copy of what they signed.

Note: You have the right to request that the inspector interview employees off-site during non-work hours. However, unless it would cause a major disruption to production, it's generally better to allow the inspector to interview employees at your place of work. They may be less likely to provide extraneous information that could harm you. After the OSHA inspector leaves, you could "debrief" the employees who were interviewed, if they are willing, to determine what was discussed.

☒ Immediately correct any violations the inspector points out that can be corrected on the spot.

☒ Hold a closing conference. At this conference, the inspector will outline any probable violations and inform you of your right to contest them. Be sure you find out which specific OSHA standards may have been violated. Don't argue with the inspector during the closing conference. This is not the time or place to debate citations.

☒ Know that it is against the law for an OSHA inspector to collect any penalties.