



What To Do When a Regulatory Inspector Shows Up

-- To Panic Or Not To Panic --

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Thursday, August 18, 2022

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Agenda

1	Types of Regulatory Agencies / Inspectors
2	Before the Inspection
3	What To Do When a Regulator Shows Up
4	After the Inspection (Follow Up)
5	Paperwork / Training
6	Hot Topics / Top #5
7	Q & A

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Presenter

Ask question as we go!



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**TYPES OF REGULATORY AGENCIES
/ INSPECTORS**



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Types of Regulatory Agencies / Inspectors

It's not all about OSHA.....

- OSHA
- Ohio EPA (Ohio Environmental Protection Agency) and Federal EPA
- ODOT (Ohio Dept of Transportation) and Federal DOT
- FAA (Federal Aviation Administration)
- Ohio Department of Health
- ODNR (Ohio Dept of Natural Resources)
- Ohio BWC (Bureau of Workers Compensation)
- Ohio PERRP (Public Employers Risk Reduction Program)
- Ohio BUSTR (Bureau of Underground Storage Tank Regulations) & PUSTRCB
- State Fire Marshal, County, City, Local, etc.....



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**BEFORE THE INSPECTION
(BEING PREPARED)**

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Create a Culture of a Safe & Healthy Workplace

- Safety Committee Meetings
- Accident Investigations
- Employee Suggestions



- Management Walk-arounds (from all depts)
 - Workplace hazards
 - Unsafe behaviors
- In-house Inspections (include all depts)
- Training
 - New hire orientation



It's not just safety, it's environmental too!



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OSHA Injury Reporting

How soon do injuries need to be reported?

Injuries to be reported within 8 hours to OSHA:

1. Fatality



Injuries to be reported within 24 hours to OSHA:

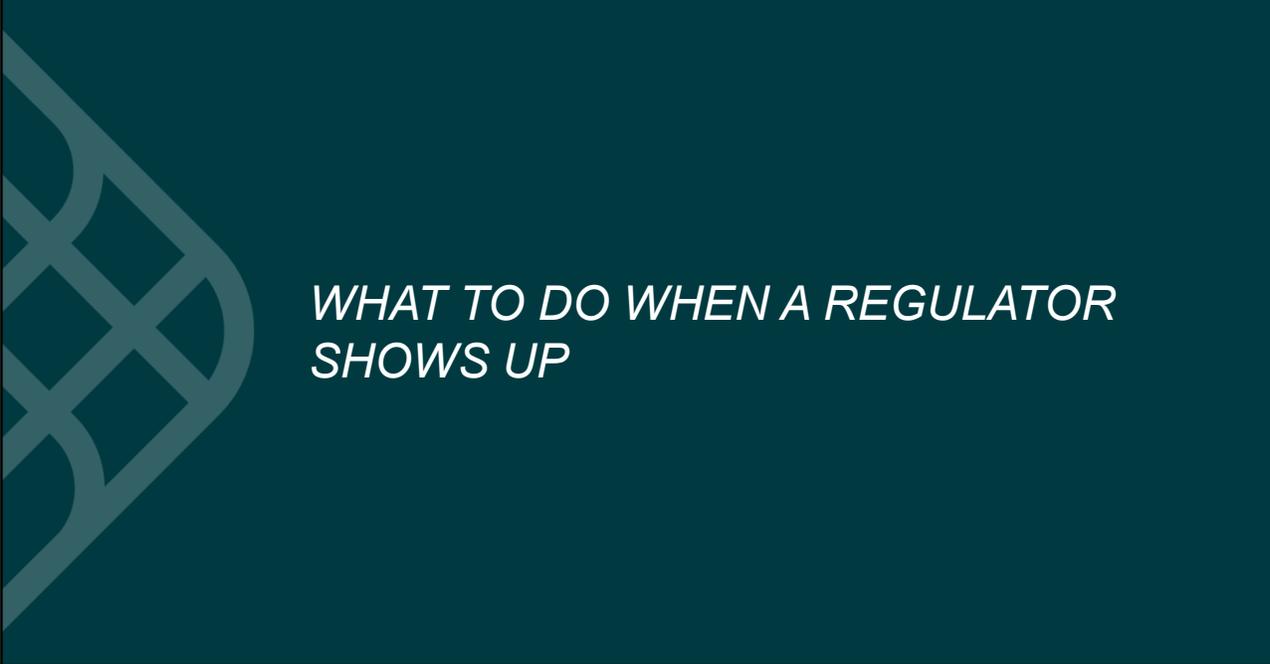
1. Any in-patient hospitalization of **one or more** employees
2. Any employee amputation as a result of a work-related incident.
3. Any employee loss of an eye as a result of a work-related incident.

All reported injuries must be work related. If a fatality occurs within 30 days of the work-related incident, or if an in-patient hospitalization, amputation, or loss of an eye occurs within 24 hours of the work-related incident, then you must also report the event to OSHA.

Do you have a process in place to report accidents that occur after regular business hours and/or on weekends?



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WHAT TO DO WHEN A REGULATOR SHOWS UP

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When They Show Up...

- Compliance Safety and Health Officer (CSHO/Inspector) – either trained in safety or industrial hygiene (very rarely both)
- They must first contact the owner representative, operator, or agent in charge
- Authorized to enter without delay (<1 hour) and at reasonable times/regular working hours – advance notice typically not given
- Right of refusal – they will obtain a warrant and return at a later date

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What Should You Do When an Inspector Arrives?

What to do before the inspection begins



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Regulatory Inspection Do's and Don'ts

What should you do and not do while an inspector is onsite

Do	Don't
<ul style="list-style-type: none"> ✓ Be polite and courteous ✓ Be honest with inspector and employees ✓ Share employee rights to employees prior to an interview ✓ When needed, provide an interpreter for employee interviews (this can be a co-worker) 	<ul style="list-style-type: none"> ✗ Act rude/unprofessional ✗ Turn them away without a good reason ✗ Give an inspector all of your files <ul style="list-style-type: none"> • Hand them what is requested • If using a file box, hand them one folder at a time. ✗ Retaliate against employees



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During the Regulatory Inspection

What to do during a regulatory inspection

- Answer all questions briefly and honestly
- Don't argue!
- Escort the regulator at all times
- Take them only to target zones
- Be present at all employee interviews
- Fix as you go. Take care of small issues immediately. Show OSHA you are serious!
- Take notes
- Take photos if OSHA takes photos
- Shake hands and tell the inspector that you are willing to work with them



Ready an inspection kit:
camera, tape measurer,
phone numbers and
process outline.



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Records Review

What could the Inspector ask for?

- Provide **only** what is requested
- Keep a record of what they copy
- If you don't have what they need, fax/email it within 24 hours
- OSHA 300 Logs and 300A Summary Forms
- Personal Protective Equipment Hazard Assessment
- Forklift Inspection documentation
- Fit Testing and Medical Evaluations
- Employee Training Records
- Equipment inspection documentation
- Written Programs: Hazard Communication, Emergency Response, Respiratory Protection



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OSHA Employee Interviews

OSHA Rights	Employer Rights	Employee Rights
<ul style="list-style-type: none"> The compliance officer has the right to interview the employee in private, if the employee consents. OSHA has a right to have truthful responses to their questions 	<ul style="list-style-type: none"> Has the right to inform its employees of their rights during the inspection and interview. Must allow the employee to be interviewed by OSHA if the employee consents. Has the right to participate in non-private employee interviews (those attended by a third party, such as a union representative) and, if the compliance officer refuses, require that the interviews occur on non-paid work time. 	<ul style="list-style-type: none"> Employees have the right to speak with the OSHA inspector. Employees also have the right not to speak with the OSHA inspector. It is an employee's decision whether to voluntarily speak with the inspector or not. Employee participation in an OSHA inspection is considered a "protected activity," and the Company cannot and will not retaliate against employees in any way because of their participation in an OSHA inspection.



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AFTER THE INSPECTION (FOLLOW UP)



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Post Inspection

What to do after an inspection

- Consider appealing fines
 - Significant reductions are usually possible
- If there is an error in the report, cite it!
- If the inspector's photo is poor, cite it!
- If OSHA cited an incorrect standard, politely point this out.

Once you receive citation paperwork, act on it!



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I received a citation from an inspection...

What do I need to do and what are my rights?

- 1. You must post a copy of the Citation and Notification of Penalty near where the violation occurred**
 - Post it where it will be visible to affected employees
 - Want to make employees aware of the hazards to which they may be exposed
 - Must be posted for three works days or until the violation is corrected, whichever is longer
 - Abatement documents, plans, and reports must also be posted at near where the violation occurred
- 2. If you agree with the Citation, you must correct the condition by the date set in the citation**
- 3. If you disagree with the citations or penalties, you can contest it**
 - MUST contact OSHA Area Director within 15 working days after receiving the citation and provide written notice of your intent to contest.
 - Request an informal conference
 - Informal conference must be held within the 15-day period



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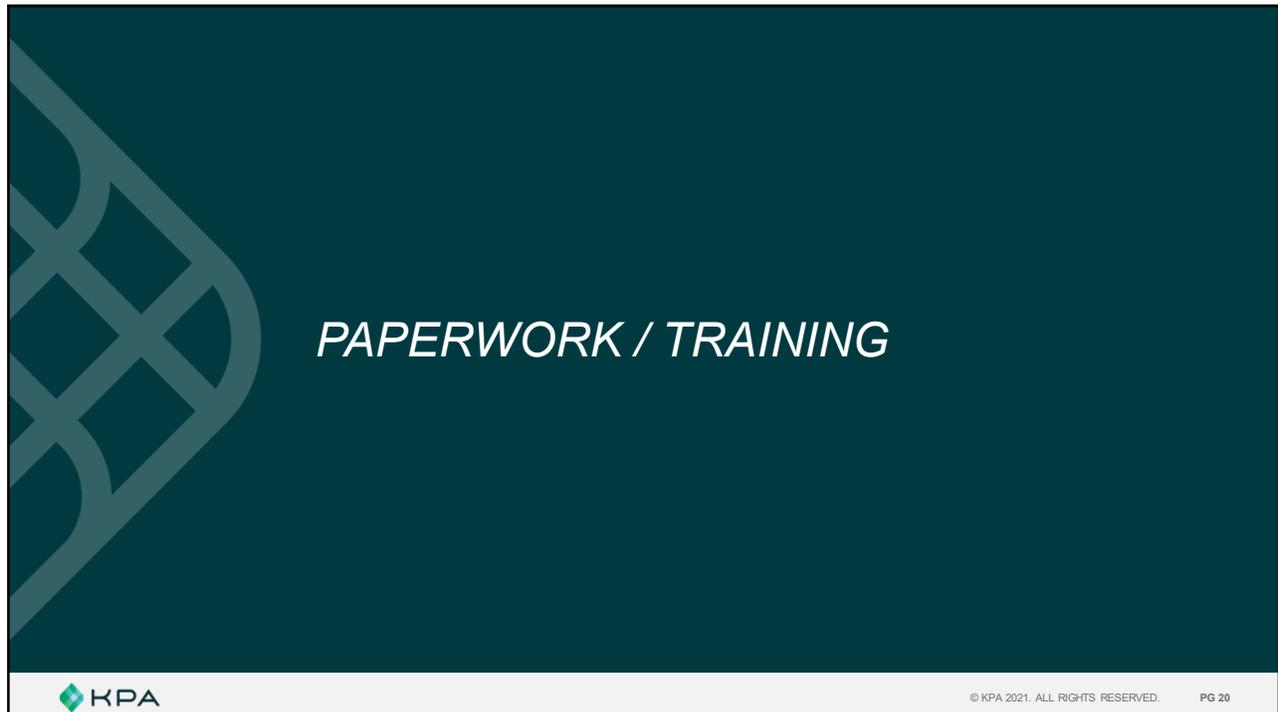
Informal Conference and Settlement

Before deciding to file a Notice of Intent to Contest

WHY REQUEST AN INFORMAL CONFERENCE?

- Obtain a better explanation of the violations
- Obtain a more complete understanding of the specific standards that apply
- Negotiate and enter into an informal settlement agreement
- Discuss ways to correct violations and abatement dates
- Discuss issues concerning proposed penalties
- Resolve disputed citations and penalties
- Obtain answers to your questions

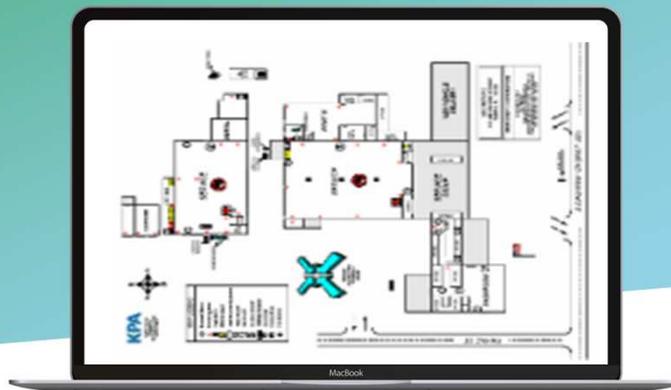
If you do not contest within 15 working days, your citation will become a final order not subject to review by any court or agency



Required Programs, Documents, and Training

EMERGENCY RESPONSE

- Required Written Program
- Annual Required Training
- Evacuation Maps



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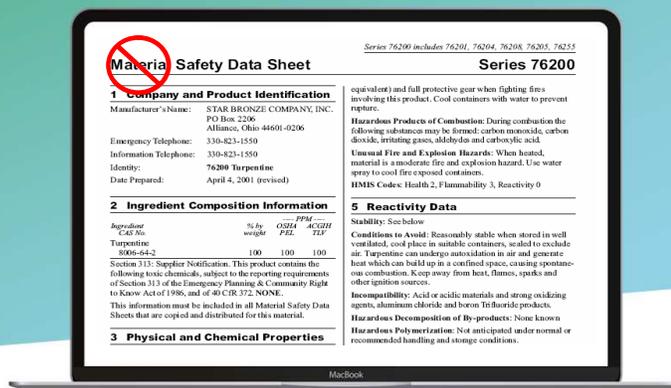
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Required Programs, Documents, and Training

HAZARD COMMUNICATION

- Required Written Program
- Annual Required Training
- Safety Data Sheets
 - Updated from MSDS per GHS
- Chemical Inventory



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Required Programs, Documents, and Training

FORKLIFT SAFETY

- Required Written Program
- 3 Year Required Training
- Equipment Inspections
- Manufacturer Written Approval for Attachments



Required Programs, Documents, and Training

RESPIRATORY PROTECTION

- Required Written Program
- Annual Required Fit Testing & Training
- Respirator Change-Out Documented
- Medical Evaluations
- Voluntary Use App D Forms



Waste Disposal Records

- Tires
- Batteries
- Used Oil
- Used Oil Filters
- Antifreeze
- Waste Paint
- Paint Booth Filters
- Waste Solvents
- Oil Water Separator Clean Out
- Lead Weights
- Scrap Metal
- Aerosol Cans
- Light Bulbs
- Parts Washer Skimmer



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SPCC Plan

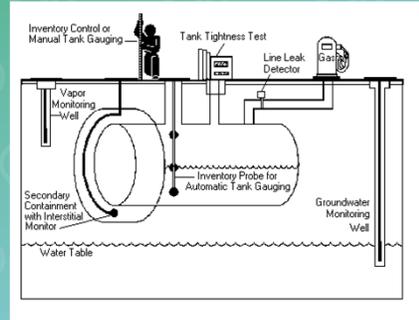
- Required if more than 1320 gallons
- Requires secondary containment
- Requires SPCC training
- Requires tank testing



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UST Compliance

- Class A, B, C Operator Training
- Required Maintenance
- Required Testing



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EPA ID

Hazardous Waste Generator Status

- VSQG
- SQG
- LQG

<p>MAIL THE COMPLETED FORM TO: Ohio EPA, DERR P.O. Box 1049 Columbus, OH 43216-1049</p>				<p>RCRA SUBTITLE C SITE IDENTIFICATION FORM</p>		<p>For Ohio EPA Use Only</p>	
<p>1. Reason for Submittal</p>		<p>Reason for Submittal:</p> <p><input type="checkbox"/> Obtaining or updating an EPA ID number for regulated activity</p> <p><input type="checkbox"/> As a component of the Hazardous Waste Report for the year _____</p> <p><input type="checkbox"/> Notifying that regulated activity is no longer occurring at this site</p> <p><input type="checkbox"/> As a component of a First or Revised RCRA Hazardous Waste Part A Permit Application</p>					
<p>2. Site EPA ID Number</p>							
<p>3. Site Name</p>							
<p>4. Site Location Information</p>		<p>Street Address:</p>		<p>City, Town, or Village:</p>		<p>County:</p>	
		<p>State:</p>		<p>Country:</p>		<p>Zip:</p>	

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Tier II Reporting

- 10,000 lbs of any chemical
- 500 lbs of any extremely hazardous chemical
- Must be filed by **March 1st** every year
- Sent to 3 places:
 - SERC
 - LEPC
 - Local Fire Dept

		Facility Identification Form	
c/o Ohio EPA, Lazarus Government Center 50 W. Town St., Ste. 700 PO Box 1049 Columbus, OH 43216-1049		Reporting Period: January 1 to December 31, 2021	
		<input type="checkbox"/> Negative <input type="checkbox"/> EHS Reported <input type="checkbox"/> First Time Filer	
		<input type="checkbox"/> Facility Name Change Previous Facility Name: _____	
County: _____			
Facility Identification			
Name		Maximum No. of Occupants: <input type="checkbox"/> N/A	<input type="checkbox"/> Manned <input type="checkbox"/> Unmanned
Address		City	State: OH Zip Code: _____
Latitude	Longitude	NAICS Code	Telephone Number (include area code) () _____
Dun & Bradstreet #	TRI Facility ID# <input type="checkbox"/> N/A	RMP ID# <input type="checkbox"/> N/A	
Subject to Chemical Accident Prevention under Section 112(j) of CAA (40 CFR part 68, Risk Management Program)?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?			<input type="checkbox"/> Yes <input type="checkbox"/> No

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Air Permits

- Body Shops
- Gas Dispensing Facilities
- Many more types of operations.....let's talk....



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HOT TOPICS / TOP #5



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Hazard Communication and Chemical Storage *Top OSHA Citation*

- Written program
- Annual training
- Maintain Safety Data Sheets (SDS)
- Can you access your SDS quickly?
- Primary container labeling
- Secondary container labeling
- If hazardous waste stored onsite, is it labeled properly and inspected weekly?
- Ensure tanks and drums are labeled



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Respiratory Protection

Regulatory considerations for spray operations

- Possible air permit requirement
- Hazardous waste disposal
- DOT training for hazardous waste pick up
- E-manifesting in 2021
- Paint mixing room cleanliness
- Fresh Air vs. Respirators vs. N95 masks
- Appendix D Voluntary Use forms
- Respiratory change out records + Fit Test + Med Evals
- TCLP testing



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Forklift Safety

Are drivers certified?



- Drivers must complete a classroom portion and safe driving test
- Certificates expire every three years
- Must have a Forklift Program
- Must post Safe Driving Rules
- Roof cannot be covered
- Key should not be accessible
- Load rating must be visible
- Forklift attachments require manufacturer approval / data plate update
- Training DOES NOT transfer from other employers



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Fall Protection

Top OSHA Citation

Are employees working at a height higher than four feet or near an unprotected edge?

- Written program
- Fall protection equipment
 - Guardrail system
 - Safety net system
 - Personal fall arrest system
 - Ladder safety systems
- Employee training
 - Hazards and equipment



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Heat Illness

Protect your employees from heat exposure

OSHA National Emphasis Program issued April 8, 2022

Targeting High Risk Industries for Random Inspections

Symptoms of heat exhaustion include...

- Faintness/dizziness
- Excessive sweating
- Cool and clammy skin
- Nausea/vomiting
- Rapid and weak pulse
- Muscle cramps

The NEP encourages employers to protect workers from heat hazards by providing employee access to water, rest, shade, adequate training, and implementing acclimatization procedures for new or returning employees. It contains both enforcement and outreach/compliance assistance components.

The NEP establishes heat priority days when the heat index is expected to be 80°F or higher. On heat priority days:

- OSHA will initiate compliance assistance in the targeted high-risk industries.
- OSHA will also continue to inspect any alleged heat-related fatality/catastrophe, complaint or referral regardless of whether the worksite falls within a targeted industry of this NEP.
- OSHA will conduct programmed (pre-planned) inspections in targeted high-risk industries on any day that the National Weather Service has announced a heat warning or advisory for the local area.



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Q & A

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