OSHA INSPECTIONS
OSHA Inspections

- Approximately 8 million workplaces in US covered by OSHA
- Approximately 130 million workers in US covered by OSHA
- Approximately 2,200 OSHA compliance officers
- 1 compliance officer for every 3,600 workplaces and every 59,000 workers
- 2015 – 35,820 Federal inspections and 43,471 State inspections (79,291 total; 36 per compliance officer)
Programmed vs. Unprogrammed Inspections

Programmed Inspection

- Inspection scheduled based upon objective or neutral selection criteria. Selected according to national scheduling plans or under local, regional, or national special emphasis programs

Unprogrammed Inspection

- Inspection scheduled in response to alleged hazardous working condition
OSHA Inspection Priorities

1. Imminent danger situations (Unprogrammed)

2. Severe injuries and illnesses (Unprogrammed) – Employers must report:
   - All work-related fatalities within 8 hours
   - Within 24 hours, must report:
     - All work-related inpatient hospitalizations
     - All work-related amputations
     - All work-related losses of an eye
OSHA Injury Notification

- Local OSHA Office: Wichita area - (316) 269-6644
- Toll Free: (800) 321-OSHA (6742)
- www.osha.gov/report_online
OSHA Inspection Priorities

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2. Severe injuries and illnesses (Unprogrammed) – Employers must report:
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     - All work-related amputations
     - All work-related losses of an eye
Inspection Priorities

3. Worker complaints (Unprogrammed)

4. Referrals (Unprogrammed)

5. Targeted inspections (Programmed)
   - Specific Emphasis Programs
     - Industries with potentially high injury rates
     - Potential exposure to health hazards
   - National, Regional, or Local Emphasis Programs

6. Follow-up inspections (Unprogrammed)
OSHA Inspection Priorities

1. Imminent danger situations (Unprogrammed)
2. Severe injuries and illnesses (Unprogrammed)
3. Worker complaints (Unprogrammed)
4. Referrals (Programmed)
5. Targeted inspections (Unprogrammed)
6. Follow-up inspections (Unprogrammed)

In 2015 – OSHA unprogrammed inspections outnumbered programmed inspections (53% to 47%)
VIOLATION / PENALTIES
Violations / Penalties

- Under the *Federal Civil Penalties Inflation Adjustment Act of 1990*, OSHA maximum penalties have remained the same since 1990.
- However, Congress recently approved an increase and effective August 1, OSHA penalties increased 78%.
- Penalties apply to any violation that occurred after November 2, 2015.
- Adjustments to penalties will be made each year and will be based on the Consumer Price Index.
Violations / Penalties

- **De Minimis Condition**
  - Employer has implemented a measure different from one specified in a standard, that has no direct or immediate relationship to safety or health.

<table>
<thead>
<tr>
<th>Violation Type</th>
<th>Old Maximum</th>
<th>New Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>De Minimis</td>
<td>$0 per violation</td>
<td>$0 per violation</td>
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</tbody>
</table>
Violations / Penalties

**Other Than Serious Violation**

- Has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

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<tr>
<th>Violation Type</th>
<th>Old Maximum</th>
<th>New Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Than Serious</td>
<td>$7,000 per violation</td>
<td>$12,471 per violation</td>
</tr>
</tbody>
</table>
Violations / Penalties

- **Serious Violation**
  - There is a substantial probability that death or serious physical harm could result from a condition which exists and that the employer knew, or should have known, of the hazard.

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<th>Old Maximum</th>
<th>New Maximum</th>
</tr>
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<tbody>
<tr>
<td>Serious</td>
<td>$7,000 per violation</td>
<td>$12,471 per violation</td>
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</table>
**Violations / Penalties**

**Willful Violation**

- A violation that the employer knowingly commits, or commits with plain indifference to the law. The employer either knows that what he or she is doing constitutes a violation, or is aware that a hazardous condition existed and made no reasonable effort to eliminate it.

<table>
<thead>
<tr>
<th>Violation Type</th>
<th>Old Maximum</th>
<th>New Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willful</td>
<td>$70,000 per violation</td>
<td>$124,709 per violation</td>
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</table>
Violations / Penalties

- **Repeated Violation**
  - A violation where upon re-inspection, the same or a substantially similar violation exists.

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<th>Old Maximum</th>
<th>New Maximum</th>
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<tr>
<td>Repeated</td>
<td>$70,000 per violation</td>
<td>$124,709 per violation</td>
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</table>
Violations / Penalties

- **Failure to Abate Violation**
  - Previously cited hazardous condition has not been brought into compliance since the prior inspection and is discovered at a later inspection.

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<tr>
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<th>Old Maximum</th>
<th>New Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to Abate</td>
<td>$7,000 per day beyond abatement date</td>
<td>$12,471 per day beyond abatement date</td>
</tr>
</tbody>
</table>
Penalty Reductions

- OSHA will adjust the proposed penalty downward depending on:
  - Employer’s good faith (demonstrated efforts to comply with the OSH Act)
  - Lack of history of previous violations
  - Size of business
## Penalty Reductions

### For size of business

<table>
<thead>
<tr>
<th>Employees</th>
<th>Percent Penalty Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 10</td>
<td>70</td>
</tr>
<tr>
<td>11 - 25</td>
<td>60</td>
</tr>
<tr>
<td>26 - 100</td>
<td>30</td>
</tr>
<tr>
<td>101 - 250</td>
<td>10</td>
</tr>
<tr>
<td>251 or more</td>
<td>None</td>
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</tbody>
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Citation and Notification of Penalty

Company Name: [Redacted]
Inspection Site: [Redacted]

Citation 1  Item 1  Type of Violation: **Serious**

29 CFR 1910.107(g)(2): All spraying areas were not kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary:

Employees engaged in spray painting activities in the enclosed paint booth were exposed to explosion hazards in that the floor was not kept free from accumulation as practical.

29 CFR 1903.19(d)(1) requires certification and documentation that the abatement of the above violation is complete.

Date By Which Violation Must be Abated: 03/16/2016
Proposed Penalty: $4900.00
SPECIFIC EXAMPLES
2015 OSHA Most Cited Violations

1. Fall Protection – 1926.501
3. Scaffolding – 1926.451
5. Lockout/Tagout – 1910.147
6. Powered Industrial Trucks – 1910.178
7. Ladders – 1926.1053
8. Electrical (wiring methods) – 1910.305
10. Electrical (general requirements) – 1910.303
Hazard Communication

2015 – Top 5 Sections Cited

- **Written program**: 1,746
- **Information and training**: 1,350
- **SDSs readily available**: 505
- **Hazard communication – Detailed training**: 496
- **Maintain SDS for each chemical**: 352
Hazard Communication

- 29 CFR 1910.1200(e)(1) - #1 Ranked
- Serious
- A Hazard Communication written program had not been developed nor implemented to advise employees of the hazards associated with chemicals at the job site.
- $5,345
Hazard Communication

- 29 CFR 1910.1200(h)(3)(iv) - #4 Ranked
- Serious
- Employer had not trained employees on the portion of the program that explains labels on shipping containers and Safety Data Sheets.
- $5,345
Respiratory Protection

2015 – Top 5 Sections Cited

1. **Medical evaluation**
   - 1910.134(e)(1) - 670 cites

2. **Written program**
   - 1910.134(c)(1) - 527 cites

3. **Fit testing prior to first use**
   - 1910.134(f)(2) - 330 cites

4. **Voluntary use of respirators**
   - 1910.134(c)(2)(i) - 262 cites

5. **Identifying respiratory hazards**
   - 1910.134(d)(1)(iii) - 232 cites
Respiratory Protection

- Serious
- Painters required to wear respirators had not received a respirator fit test.
- $8,017
Respiratory Protection

- Serious
- Respirators not stored properly exposing employees to respiratory hazards.
- $7,126
Lockout / Tagout

2015 – Top 5 Sections Cited

- Establishing and training employees on developed procedures: 1910.147(c)(4)(i) - 627
- Written program: 1910.147(c)(1) - 445
- Periodic inspections: 1910.147(c)(6)(i) - 424
- General training: 1910.147(c)(7)(i) - 277
- Lockout or tagout device application: 1910.147(d)(4)(i) - 197
Lockout / Tagout

- 29 CFR 1910.147(c)(1) – Ranked #2
- Serious
- Employer did not establish an energy control program (lockout/tagout) including procedures, training, periodic inspections.

$12,471
Lockout / Tagout

- Serious
- Each employee did not affix their own lockout device when conducting group lockout/tagout activities.
- $12,471
2015 – Top 5 Sections Cited

1. Competency training - 544 citations
2. Refresher training every 3 years - 339 citations
3. Safe operating condition - 281 citations
4. Certification of training - 264 citations
5. Daily pre-shift inspection - 211 citations
Powered Industrial Trucks

- 29 CFR 1910.178(l)(1)(i) – **Ranked #1**
- Serious
- Employees operating forklift had not received training and evaluation.
- $3,741
Powered Industrial Trucks

- 29 CFR 1910.178(a)(6)
- Serious
- All three of the different control levers were not labeled.
- $3,741
Machine Guarding

2015 – Top 5 Sections Cited

- Types of guarding: 1,575
- Expose employees to the point of operation: 629
- Anchoring fixed machines: 165
- Exposure of blades of fan: 72
- General requirements of machine guarding: 58
Machine Guarding

- 29 CFR 1910.212(b) – Ranked #3
- Serious
- Machines designed for fixed locations were not securely anchored to prevent “walking” or moving.
- $3,741
Machine Guarding

- 29 CFR 1910.212(a)(5) - Ranked #4
- Serious
- Industrial floor fan guard had openings greater than ¼ inch exposing employees to the hazard of being struck by the rotating blade.
- $3,741
Machine Guarding

- 29 CFR 1910.215(b)(9)
- Serious
- The distance between the abrasive wheel and the tool rest plate was greater than 1/8 inch.
- $3,741
Machine Guarding

- 29 CFR 1910.219(f)(3)
- Serious
- Sprocket wheels and chains which were seven feet or less above the floor or platform were not guarded.
- $6,235
And Finally, Case Study of Going From Bad to Worse

- Major retail store with 12,000 stores in 43 states
- Original OSHA inspection at single store in Missouri revealed several locations where the exit access was not at least 28 inches (29 CFR 1910.36(g)(2)).
- Issued Serious violation
- $8,908
And Finally, Case Study of Going From Bad to Worse

- OSHA later determined that the retail chain had the same violation at four other locations across the US
- OSHA issued a Repeat violation
- $89,080; Total fine $97,988
Questions?

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(316) 264-7050