WHAT TO DO WHEN OSHA IS AT YOUR DOOR

1. Review the credentials of the Compliance Safety and Health Officer (CSHO) and learn the purpose of the inspection: imminent danger, fatality/catastrophe, referral, programmed, complaint, etc.

2. Contact higher management or Company counsel as necessary. If a serious injury or fatality has occurred, you may want counsel to be present during the inspection.

3. Determine whether to require a search warrant before permitting the inspection to proceed. If not, establish the scope of the inspection before it begins. (If that scope is not respected, you may stop the inspection by withdrawing your permission to continue the inspection without a warrant.)

4. During the opening conference:
   a. Consider having your opening and closing conferences separate from those of the employee representative.
   b. Confirm the ground rules about the scope and other details of the inspection, such as the areas to be entered or any trade secrets which must be protected.

5. During the walkthrough:
   a. Stay with the CSHO at all times.
   b. Be polite; do not argue, although you may point out that there is no hazard, or no employee exposure to any hazard, or that the standard does not apply.
   c. Be careful what you say to the CSHO; it may be considered an admission.
   d. You do not have to provide work or safety rules or other materials to the CSHO (unless they are subpoenaed), but you may want to provide them. Get a written, signed request so there can be no confusion about what was sought. A handwritten request is fine.
   e. Be the CSHO’s “shadow” - take the same photographs and measurements. Take extensive notes of what the CSHO observes, persons spoken to, and what is said.
   f. You decide whether to allow the CSHO to interview your employees on Company time.
   g. Do not permit demonstrations of your equipment or the interruption of the work of employees.
   h. Ask the CSHO why a photograph or measurement was taken. Ask about the CSHO’s background and make a careful record of the responses.
   i. Be prepared to correct apparent violations during the inspection, and tell the CSHO.

6. During the closing conference:
   a. Limit your participation to seeking information from the CSHO rather than providing information to him or her.
   b. Ask the CSHO specifically why an apparent violation exists: what is the hazard, where is the exposure, etc.
   c. Try to determine exactly what the CSHO believes is required for abatement.
   d. Do not agree or admit to anything. For example, do not agree that any hazardous condition exists, or that any particular time for abatement is adequate or reasonable.
   e. Do not argue with the CSHO or try to talk the CSHO out of issuing a citation.