

OSHA Inspections

1. Purpose

USPL complies with all applicable governmental regulations concerning the safety and health of its employees. This policy outlines requirements to ensure that USPL properly manages OSHA inspections while protecting its rights as an employer.

2. Scope

This policy applies to all USPL personnel at all work locations.

3. Minimum Requirements

	Minimum Requirements	Supporting Documentation
1.	Employees, Safety Coordinators, and Supervisors are responsible for understanding USPL's rights and obligations related to OSHA inspections.	Section 5
2.	USPL employees shall permit OSHA Compliance Officers to conduct their inspections and cooperate with them in accordance with this policy.	Section 5
3.	The USPL employee who is initially contacted by an OSHA representative about an inspection shall refer the representative to his or her Supervisor (referred to as the Inspection Supervisor in this policy).	Section 6
4.	Inspection Supervisors are responsible for managing the inspection in accordance with this policy.	Section 5
5.	Any written responses to the Compliance Officer's queries must be first reviewed by the company OSHA attorney.	Section 6
6.	The inspection must be recorded in Traction, and documentation from inspections must be kept on file at the location.	Section 8

4. Definitions

Abatement—The correction of a safety or health hazard or violation that has led to an OSHA citation.

Compliance Officer—A person authorized by the federal or state Occupational Safety and Health Administration to conduct inspections.

Inspection—Any workplace inspection (of an employer's factory, plant, establishment, construction site, or other area or environment where work is performed by an employee) conducted to determine whether the employer is complying with OSHA standards for safe and healthful working conditions. The process includes any reinspection or follow-up inspection or investigation conducted under the authority of OSHA regulations. There are five types of inspections:

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- **Employee Complaint**—An inspection requested by an employee or a representative of an employee who believes that an OSHA violation exists in the employee’s workplace. With this type of inspection Compliance Officers are normally limited to inspecting the specific activity that generated the complaint, though they will not ignore hazards in “plain view” of areas that they pass through during the inspection. The employee complaint must be in written form, signed, and submitted to an OSHA area office or an OSHA Compliance Officer.
- **Routine**—An inspection based on objective, neutral criteria developed from accident records and particular industries with high average numbers of serious, repeat violations and with large numbers of exposed employees. Inspectors use a randomized list of employers in the targeted industries. Also referred to as a “general schedule” inspection or a “regional programmed inspection.”
- **Imminent Danger**—An inspection triggered by a work situation that is likely to cause death or serious injury to an employee or group of employees. This inspection can be the result of a concern expressed to OSHA by an employee or observer. The Compliance Officer is normally limited to inspecting only the particular situation or activity that triggered the inspection but will also potentially cite the facility for hazards that are otherwise in “plain view.”
- **Accident Investigation**—An inspection following a work-related accident that has resulted in a fatality or injury.
- **Media Referral**—An investigation prompted by publicity from a credible news source.

5. Roles and Responsibilities

5.1. All Employees

- A. Employees are responsible for immediately notifying their Supervisor of an OSHA inspection or investigation if contacted by an OSHA Compliance Officer.

5.2. Safety Coordinators

- A. Safety Coordinators are responsible for the following:
 1. Understanding USPL’s rights and obligations related to OSHA inspections and conveying this information to Supervisors.
 2. Accompanying the Compliance Officer during all inspections whenever possible.
 3. Promptly advising the company OSHA attorney of the inspection.

5.3. Supervisors

- A. Supervisors are responsible for the following:
 1. Immediately notifying the Operations Manager and the Safety Coordinator of the inspection or investigative visit.
 2. Managing the inspection in accordance with this policy.

6. General Requirements

- A. USPL employees shall permit OSHA Compliance Officers to conduct their inspections and cooperate with them in accordance with this policy. If the OSHA Compliance Officer presents an inspection warrant, the employee shall obtain a copy and immediately inform the company OSHA attorney.
- B. The USPL employee who is initially contacted by an OSHA representative about an inspection shall immediately notify his or her Supervisor, who will then be designated as the single point of accountability for the inspection ("Inspection Supervisor"), and the Safety Coordinator that the OSHA Compliance Officer is on the premises and refer the OSHA representative to the Inspection Supervisor. If the Inspection Supervisor is not on-site, that person's delegate should handle the Inspection Supervisor's responsibilities until he or she can arrive on-site. The OSHA Compliance Officer should not be delayed for an unreasonable period of time during this notification process.
- C. After the appropriate BP representatives have been assembled to meet with the OSHA Compliance Officer, the Compliance Officer will conduct an opening conference describing the reason for the inspection and how the inspection will be conducted.
- D. The Inspection Supervisor shall accompany the OSHA Compliance Officer at all times except during non-management employee interviews. Upon the Compliance Officer's request, one non-management employee may accompany the Compliance Officer during the inspection. Additional non-management employees may accompany the inspection team if additional representation will further assist the inspection. Employees participating in the inspection will be paid at the regular hourly rate if it occurs during scheduled work hours.
- E. The Compliance Officer shall be allowed to question a reasonable number of employees about local working conditions that relate to the purpose of the inspection. OSHA makes most of its requests for employee interviews verbally or by an informal written request. If OSHA serves a subpoena for employee testimony, the employee shall immediately notify the company OSHA attorney. All employees who are interviewed have a right to do so privately but also have a right to be accompanied by one representative of their choice. Management employees should be advised of this right by the Inspection Supervisor. The individuals who normally would accompany the management interviewee would be the Inspection Supervisor or that person's delegate, or a company OSHA attorney if one is assisting on-site. The BP representative who accompanies the interviewee should take notes of the topics discussed. The OSHA Compliance Officer will normally take notes of the interview and request the interviewee's signature on that document. (Those notes should be prepared by the Compliance Officer and not the interviewee.) Management employees should be advised to politely decline to sign such a statement, but if asked by the Compliance Officer to do so, they may alternatively review the statement for accuracy and confirm verbally that it is accurate. (*Note:* OSHA has a compliance directive recognizing that employee interviews may be conducted by audiotape or videotape only with the interviewee's consent. Management employees should be advised not to consent to such interviews, but ultimately the choice shall be left to the interviewee.)
- F. Any USPL documents requested by the Compliance Officer that relate to the purpose of the inspection will be provided in accordance with this policy. OSHA normally makes document requests verbally or through a written information request. If a subpoena is issued for documents, the employee shall immediately notify the company OSHA attorney. Requests for documents that the Compliance Officer will be removing from the premises should be made in writing and reviewed by the Inspection Supervisor prior to its release to the Compliance Officer. Only the requested documents shall be provided, not entire files. Only copies of the material shall be provided if Compliance Officer asks to remove them from the location. The inspected facility shall retain in a separate file copies of all documents reviewed by the Compliance Officer.

- G. All material obtained by the Compliance Officer and considered to be confidential shall be marked accordingly.
- H. Any written responses to the Compliance Officer's queries must be first reviewed by the company OSHA attorney.
- I. A considerable portion of the inspection will likely include a walk-through of the workplace to observe working conditions. During that time the Compliance Officer will take notes and may also take samples, measurement, photographs, or videotapes. The Inspector Supervisor or a designee should take identical samples, measurements, photographs, and videotapes at the same time and must follow the Hot Work policy regarding permitting before using electronic or electrical equipment that is not intrinsically safe. The OSHA Compliance Officer must be advised of USPL's personal protective equipment (PPE) requirement for such walk-throughs and requested to comply with the facility's PPE requirements.

7. Inspection Supervisor Actions

- A. An Inspection Supervisor handling an inspection must observe the following procedures:
 - 1. Before allowing access to the work location, examine the credentials of any individual who claims to be an OSHA Compliance Officer. If possible, make a photocopy of the Officer's credentials. If there is any doubt about their authenticity, call the local OSHA office to verify the Officer's identity.
 - 2. Accompany the Compliance Officer at all times or ensure that a management representative does so.
 - 3. Ensure that a designated employee maintains a detailed written record of the Compliance Officer's activities and questions (i.e., using an inspection log) from the beginning to the end of the visit.
 - 4. Determine the basis for the type of inspection to be conducted.
 - a) For an Employee Complaint inspection, obtain a copy of the complaint.
Note: The employee's identity remains confidential.
 - b) For a Routine inspection, ask the Compliance Officer to explain the criteria for selecting this particular work location and request a copy of the written directive for the routine inspection.
 - c) For an Imminent Danger inspection, determine how and when the hazard was observed.
 - 5. Determine the focus (i.e., health or safety) and duration of the inspection to be conducted.
 - a) The facility should request the assistance of a qualified company representative (e.g., industrial hygienist) for all health inspections, particularly if the inspection involves personnel monitoring.
 - 6. Determine the limits of the inspection.
 - a) The facilities, areas, and programs subject to inspection
 - b) The employees or positions to be interviewed

- c) The measurements, samples, or photographs to be taken
7. Allow the Compliance Officer access only to those areas subject to the inspection. Other areas that are within the Compliance Officer's "plain view" during the inspection and potentially out of compliance with OSHA requirements may also be cited as violations.
 8. Answer only those questions specific to the site or activity subject to inspection. Remain cordial and cooperative, but do not volunteer information or offer comments.

Note: A Supervisor's casual statements can easily expand the scope of the inspection or be construed as an admission by company management of the need for corrective action.
 9. Ensure that a designated employee takes the same measurements, samples, or photographs as the Compliance Officer.
 10. Brief employees before the inspection and ask them to follow these guidelines:
 - a) Tell the truth.
 - b) Don't speculate or make guesses when answering the Compliance Officer's questions.
 - c) Don't sign anything prepared by OSHA. If asked, verbally acknowledge the accuracy of information in OSHA documents.
 - d) Don't conduct any demonstrations for the Compliance Officer.
 11. During the closing conference, follow these rules:
 - a) Designate an employee to take extensive notes.
 - b) If the Compliance Officer issues a citation, ask what standard has been violated.
 - c) Never give an abatement date for a citation.
 - d) Clarify any corrective actions recommended by the Compliance Officer. To demonstrate BP's concern for safety, try to correct noted deficiencies immediately, if practicable.
 - e) To avoid an open-ended inspection process, verify that this conference concludes this inspection.

Note: By law, inspections may not extend beyond six months after their inception. Citations must also be issued before that six-month period expires.
 - f) If any of the conclusions reached by the Compliance Officer about noncompliant working conditions are based on inaccurate information about working conditions observed or procedures and practices followed by the facility, attempt to clarify them.
 - g) Inform the company OSHA attorney of the results of the inspection and closing conference.
 12. Complete the inspection documentation (see Appendix I) and submit it to the District Operations Manager.

8. Recordkeeping

A. Documentation must be kept on file in Traction for all inspections, including the following:

1. Inspection log
2. Photocopies of the Compliance Officer's credentials, if permitted
3. Copies of any USPL documents released to the Compliance Officer
4. A copy of any search warrant presented by the Compliance Officer

Note: OSHA Compliance Officers are not required to obtain a search warrant in order to inspect the premises. If a search warrant is presented, the Supervisor should contact the company OSHA attorney immediately.

5. Outcome of the inspection including any citations

B. The Facility Supervisor shall prepare a comprehensive inspection memorandum (see Appendix I) as soon as the closing conference has been completed. The heading of the memorandum should include the following in bold letters: "**PRIVILEGED AND CONFIDENTIAL-ATTORNEY-CLIENT PRIVILEGE.**" The memorandum must include the facts of the inspection (e.g., when the inspection took place, the scope, any comments by the Compliance Officer, the details of the closing conference, etc.). This memo should be e-mailed to the District Operations Manager for further handling and to the company OSHA attorney.

9. Citations

- A. If OSHA issues a citation as a result of the inspection, the facility will normally have 15 working days (excluding Saturdays, Sundays, and legal holidays) to either accept the citations or contest them. Citations shall be immediately provided to the District Operations manager and the company OSHA attorney.
- B. A decision on how to respond the citations shall be made by the USPL in consultation with the company OSHA attorney.

10. References

1. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR 1903, "Inspections, Citations, and Proposed Penalties."

Appendix I

OSHA Inspection Documentation

Date of inspection: _____

Location: _____

Who participated in the visit?

Name	Title	Organization

Contact name and number for additional information: _____

Basis and type of inspection conducted: _____

Briefly describe what the Compliance Officer looked at and which persons he or she talked to:

Summarize the Compliance Officer's closing conference:

Upon completion of this document by the Supervisor, it must be e-mailed to the District Operations Manager.