** OSHA Inspection **

**Protocol**

**CURI Guidelines for OSHA Inspection**

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**I. OSHA ACTIVITY PROCEDURE**

* 1. **Inspection Process**
     1. CURI campus has designated a management individual who will be the primary interface with the Occupational Safety and Health Administration. (OSHA) By default, this individual is the designated Environmental, Health & Safety Manager Kurt Rayburg.
     2. Each building on CURI campus has a designated back-up manager who will meet with the OSHA inspector in the event the primary resource is not available. The primary and all back-up resources shall review this OSHA Inspection Procedure.
* PRIMARY – Kurt Rayburg 864 561-4624
* EIC - J. Curtis Fox
* WLCC – Stephanie Crette
* GEC – Johan Enslin / Randy Collins
* (Alternate staff member if above is not available)
  + 1. All management should be informed that all communications from and to OSHA should be through the designated management above. Security and employees should also know who to contact when an OSHA Compliance Officer requests entry into the facility.
    2. Once the OSHA inspector explains the purpose of the inspection (complaint, routine, injury) to the Clemson contact, the contact shall notify the appropriate management of OSHAs intent.

1. **OSHA INSPECTION PROCESS GUIDELINES**
   1. **Initial Action**
      1. In case of a government inspection, the below individuals must be contacted and notified:
         1. Safety Manager, Operations Manager, or other appropriate personnel. (See Section I of this document)
      2. Check the compliance officer's credentials to verify they are who they say they are.
      3. Record the inspector's ID number and the OSHA inspection number (make copies of each).
      4. Try to limit the number of OSHA inspectors to a manageable size (normally not more than 2).
      5. Inspector(s) should not be permitted to enter the plant without an escort by the Safety manager or designated contact as identified above.
      6. BE POLITE! Ask the inspector to sit down and wait until the proper contact personnel are notified.
   2. **Opening Conference**

The purpose of an opening conference is to make clear to all parties OSHA's reason for the inspection.

* + 1. The opening conference should determine OSHA's view of the scope and/or reason for the inspection.
       1. Listen carefully to the stated reason for the inspection and take good notes.
       2. Respond to questions with first-hand knowledge only - it is not necessary or helpful to volunteer information or make assumptions. You are not required to make admissions against Clemson’s interest.
    2. Establish ground rules for the inspection.

1. When the inspector has explained the scope, he/she should be informed that the inspection will be limited to that purpose.
   * 1. Introduce the management representative(s) on the inspection team.
     2. Keep the number of people who walk around with the OSHA inspector(s) as small as possible.
     3. Complaint Inspection
        1. Employee complaint.
           1. In order to be valid, a complaint must be in writing. In addition, the compliance officer must acknowledge that the complaint was signed by an employee.
           2. You have a right to have the compliance officer assure you that this complaint is from an active employee and/or an employee representative. You do not have the right to see it or verify who made it.
     4. Scheduled Safety or Health Inspections
        1. Review OSHA 300 Log (copies may be requested). Main campus records are electronic. Risk management can be contacted. Educational institutions are exempt. However, we can make them available if the OSHA inspector is persistent.
        2. Health - the scope of a health inspection should be limited to health items only. Safety items should not be investigated. If they are, this irregularity should be documented.

Follow-up Inspection should be limited to the specific reason for the follow-up:

* + - 1. Prior inspection-referral
      2. Prior citation
      3. Reported accident
  1. **The Walk Around**

**NOTE: Document all potential violations found by the Compliance Officer.**

If the scope of the walk around is broadened from the original complaint or reason for the OSHA visit, interrupt the inspection, question the officer, and suspend the inspection until you consult with the safety manager.

* + 1. Management Participation
       1. If for any reason, the management representative cannot stay with the inspection party, he/she should request that the inspection be interrupted until a suitable management representative can be found.
       2. If no replacement can be found, the inspector should be asked to return at a mutually convenient time.
       3. Any question concerning this issue should be raised with the safety manager.
    2. Hourly Employee Interviews
       1. The inspector has a right to a private interview with any hourly employee. This means one-on-one.
       2. An operation need not be shut down or unduly hinder production operations in order to interview an employee; the compliance officer should be informed of an appropriate time that the individual will be available to be interviewed.
    3. Salaried Interviews
       1. The inspector may request a private interview with salaried employees; however, CURI is entitled to have a representative (i.e. a management representative or attorney) present in interviews of supervisory and managerial personnel. If the inspector declines a request for management representation in an interview of a supervisor or managerial employee, advise the inspector that prior to the proceeding with the interview, the Clemson legal staff will be contacted for counsel.
          1. In any investigation of a serious or fatal accident, salaried employees who may be directly involved must **be made aware of their rights prior to an interview.**

* + - * 1. In any investigation of a catastrophic or fatal accident, which may possibly involve the potential for willful and/or criminal liability, a member of the Clemson Legal Staff, or a designated representative, should be present for all interviews of all supervisory and managerial personnel.

* + - 1. Any person that is interviewed should not review notes taken by the inspector for correctness. Any requests by the inspector to sign the notes should be politely denied. If the inspector wishes to read the notes to a salaried employee, the employee should not confirm or deny their accuracy.
      2. Upon completion of the interview, the interviewee should write down his/her best recollection of the questions asked and answers provided. This document should then be retained with the inspection file.
    1. Photographs/Videotapes
       1. If OSHA believes that photographs are necessary, they should be taken by Clemson as well. Please be aware of CURI’s no photo policy.
       2. If OSHA takes photographs, they should be duplicated by the CURI personnel which should take the same picture of the object.
       3. In any case, OSHA is to be instructed to label all of the photographs as containing trade secrets.
       4. The same parameters would apply to videotaping.
    2. Records  
       1. When an inspector requests records, ask against which standard they are checking compliance.
       2. After reviewing the OSHA standard, if it requires records be kept and made available to OSHA, provide copies to the inspector and keep copies of all material given to the inspector with all other documentation.

**If the scope of the inspection is broad (e.g., wall-to-wall, or the potential for an egregious citation is possible) request that all inquiries for records be made in writing. Your request is not meant to delay or otherwise prevent access, but rather to maintain adequate records of documents that have been requested as part of this inspection. Additionally, maintain a copy of all documents given to OSHA in a separate file.**

* + - 1. Under normal circumstances, do not make records available to the compliance officers except those specifically required by OSHA standards. If the standard does not require records, but we have kept records beyond the standard's requirements, they should only be supplied after consulting with the safety manager.
      2. Do not provide copies of internal accident investigation reports to a compliance officer. Limit to verbal review of facts discovered during plant investigation of the accident. If the facility utilizes a form which combines the internal Incident investigation facts and is also used as a substitute for the OSHA 301, and OSHA has requested the 301, this form must be provided.
    1. Equipment Operation/Processes
       1. The inspector is in the plant to observe normal operation.
       2. Do not start equipment which is not in use solely for the inspector's benefit.
       3. Do not stop equipment that would normally be running.
       4. **Do not demonstrate accident/injury situation. Do not attempt to re-create an accident or a situation that resulted in an injury.**
    2. Alleged Violations  
       1. If the compliance officer indicates non-compliance with the standard, neither agree nor disagree.
          1. Be noncommittal to the compliance officer when he refers to a violation. Tell him "I'll check", "I'll see", "I'll investigate", etc.
       2. Agreement of a violation could be an admission against Clemson’s interest which could be used against the facility to sustain the violation.
       3. If a realistic hazard exists, correct the condition immediately or as soon as possible.
          1. If the inspector asks when the violation will be corrected, respond "upon completion of my investigation, appropriate action will be taken where required".
       4. Accurately note the condition of the equipment, including whether it was scheduled for repair, tagged or padlocked, etc.
       5. If an employee is observed acting contrary to Clemson policy, take immediate corrective action. Through supervision, have the employee stopped and proceed with normal corrective action.
       6. Be assertive, but do not forcibly argue the applicability of the standard regarding what is considered to be a violation. Attempt to find out precisely what the inspector feels is wrong and what standard he/she feels is violated.
    3. Environmental Monitoring
       1. If at all possible, duplicate any samples or physical material taken during the inspection.
       2. Make a record of: make, model and method of sampling for equipment used by the inspector to take samples.
       3. Take notes of any unusual sampling techniques or occurrences (e.g., dropped equipment, employee tampering).
       4. Ask how/when/by whom the equipment was calibrated.
  1. **Closing Conference**
     1. The inspector will normally hold a closing conference to describe the results of the inspection.
     2. In most cases, closing conferences should be held jointly with all members on the CURI management team. This meeting can also include those with a need to have first-hand knowledge (i.e. risk management, main campus safety director).
     3. The closing conference is not a forum for discussing the validity of the allegation(s).

1. Be a good listener.
2. Take notes.
3. Be polite.
4. Do not argue a position.
   * 1. Upon completion of the inspection, contact the safety manager and Clemson director of Research Safety.
     2. Maintain a copy of all documentation of the inspection at a single location at CURI. This should facilitate any future inquiries regarding this inspection.
     3. Show the OSHA inspector respect and the exit when concluded.