

2—The Occupational Safety and Health Act of 1970

Inspection of facilities. The CO will take the time necessary to inspect all of the operations in the establishment. The inspections have as their primary objective the enforcement of the occupational safety and health standards as well as the enforcement of other promulgated regulations such as the posting of the OSHA poster (Fig 2-1)

The CO will have the necessary instruments for checking certain items, such as noise levels, certain air contaminants and toxic substances, grounding, and the like. During the course of inspection, the CO will note any apparent violation of the standards and will normally record any apparent violation, including its location, and any comments that he has regarding the violation. He will do the same for any apparent violation of the general duty clause. His notes will serve as the basis of information for the area director for issuing citations or proposed penalties. For these reasons, the employer representative should ascertain any apparent violations from the CO during the actual inspection of the facilities. The employer representative should make notes identical to the CO's during the actual inspection so that he will have precisely the same information that the CO has.

It should be noted that the CO is only required to record apparent violations and is not required to present a solution or method of correcting, minimizing, or eliminating the violation. OSHA, however, will respond to requests for technical information concerned with complying with given standards. In such cases, the employer is urged to contact the regional or area office.

If, during the course of an inspection, the CO receives a complaint from an employee regarding a condition which is alleged to be in violation of an applicable standard, the CO, even though the complaint is brought to him via an informal process, will normally inspect for the alleged violation.

In the course of his normal inspection, the CO may make some preliminary judgments with respect to environmental conditions affecting occupational health. In such cases, he will generally use direct-reading instruments. Should this occur, and if proper instrumentation is available, it would be prudent for the employer to have qualified personnel at the establishment make duplicate tests in the

same area at the same time under the same conditions. In addition, the employer representative should again take careful notes on the CO's methods as well as the results. If the inspection indicates a need for further investigation by an industrial hygienist, the CO will notify the Area Director who may assign a qualified industrial hygienist to investigate further. If a laboratory analysis is required, samples are sent to OSHA's laboratory in Salt Lake City and the results will be reported back to the Area Director.

At the completion of the inspection, but prior to the beginning of the closing conference, the employee representative is usually excused.

Closing conference. Upon completion of the inspection the CO will confer with the employer or his representative. Again, the employer's safety personnel should be present at the closing conference. It is at this time that the CO will advise the employer and his representatives of all conditions and practices which may constitute a safety or health violation. He should also indicate the applicable section or sections of the standards which may have been violated.

The CO will normally advise the employer that citations may be issued for alleged violations and that penalties may be proposed for each violation. Administratively, the authority for issuing citations and proposed penalties rests with the Area Director or his representative.

The employer will also be informed that citations will fix a reasonable time for abatement of the violations alleged. The CO will attempt to obtain from the employer an estimate of the time he feels would be required to abate the alleged violation and take such estimate into consideration when recommending a time for abatement. The CO should also explain the appeal procedures with respect to any citation or any notice of a proposed penalty.

Followup inspections. Followup inspections will always be made for those situations involving imminent danger or where citations have been issued for serious, repeated or willful violations. Followup inspections for all other cases will be conducted at the discretion