

WHAT TO DO WHEN OSHA IS AT YOUR DOOR

1. Alert the safety manager and contact the designated management representative notifying them about the inspection and to also gain assistance. (If a serious injury or fatality has occurred, you likely need counsel to be present during the inspection.)
2. Review the credentials of the Compliance Safety and Health Officer (CSHO) and learn the purpose of the inspection: complaint, accident or fatality, programmed, etc. If in place, activate the trained "inspection team" as appropriate. Ask respectful questions to establish the scope of the inspection. (Who, What, Where, Why: *who* will be walking around, *what* equipment or hazards are in question, *where* in the company's control does the CSHO desire to inspect, and *why* is the company being inspected.)
3. Determine whether to require a search warrant before permitting the inspection to proceed. If not, confirm the "ground rules" about the scope and other details of the inspection, such as spaces to be entered or any trade secrets which must be protected. Confirm that operations will not be impacted and no machinery will be demonstrated.
4. During the walk around:
 - a. Stay with the CSHO at all times.
 - b. Be polite and respectful. 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 likely will be considered an "admission."
 - d. Be the CSHO's "shadow" - take the same photographs and measurements. Take extensive notes on what the CSHO observes, persons with whom he/she interacts, and notes of any conversations.
 - e. If the CSHO wants to immediately begin interviews, confer with counsel. You have the right to have counsel or another manager present during interviews of management employees. Do not agree to videotaped or recorded interviews, and do not sign any statements.
 - f. Do not permit demonstrations of your equipment or the interruption of the work of employees. Agree that those activities will happen later and be coordinated by a management representative.
 - g. When able, correct apparent violations during the inspection, and advise the CSHO that you have done so.
5. During the closing conference (if it occurs):
 - a. Ask whether the CSHO believes violations exist and if so to identify the alleged hazard; how employees are exposed; how the standard applies; and the abatement expectations.
 - b. Do not agree or admit to anything. For example, do not agree that any hazardous condition exists, or that you knew about it, or that a particular time for abatement is adequate or reasonable.
 - c. Do not argue with the CSHO or try to talk the CSHO out of issuing a citation.
 - d. Make copious notes.

ADDITIONAL CONSIDERATIONS FOR FATALITY OR CATASTROPHE INVESTIGATIONS

(FEDERAL OSHA STANDARD)

Fatality or catastrophe investigations require additional considerations and care. You **MUST** report any work-related fatality to OSHA within eight hours. You also **MUST** report any work-related hospitalization, amputation, or loss of an eye to OSHA within 24 hours. Notification may be made by telephone or in person to the OSHA area office nearest the site of the incident, by telephone to the OSHA toll-free central number—(800) 321-6742—or by electronic submission using the reporting application on OSHA's website at www.osha.gov/report_online.

In addition to OSHA, you may have to deal with paramedics/EMTs, police, a coroner's office, the district attorney, news media, and the family of the worker(s) in the accident. You need to consider all these possibilities before an event occurs, so you already have a plan to follow.

You may want to send a memorandum to all employees urging cooperation and advising that outside inquiries be directed to a designated member of management. If individuals speak with the authorities, they should tell the truth as to those matters for which they have personal knowledge, but not guess or speculate about the answer to any question.

Pay special attention to the OSHA interviews: Managers should have representation, but you cannot insist on attending interviews of non-management employees.

Have a generic news media response prepared in advance: "We are sorry to learn today of a death/serious accident;" "At this time, the cause is still unknown;" "We are investigating the accident and working with others to further the investigation;" "We will take any steps necessary to determine what happened;" or "As further information is discovered, we will make it available as appropriate."

Dealing with the family: Keep lines of communication open and be supportive. Make sure financial details are addressed promptly, so the family does not have to worry about them (*e.g.*, workers' compensation, benefits, outstanding paycheck, funeral expenses, etc.). Return personal items promptly. Keep in mind that in a fatality investigation, OSHA will be in contact with the family at each step of the investigation

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