



# IOSHA's Here...uh oh! Now What?!

What you need to know before  
OSHA shows up at your business...



# Are you covered???

- Before you worry about IOSHA, you first must find out if you are covered by the Indiana Occupational Safety and Health Act ([IC 22-8-1.1](#)).
- IOSHA covers employers with one or more employees (with a few exceptions)

# Exceptions to the Rule...

- Employers who are covered by another agency (EPA, DOT, Mine Safety, Federal Railroad Act, etc.)
- Sole Owner Businesses
- Farms with fewer than 10 employees (not including family members)
- Some construction businesses with certain NAICS Codes – via the Enforcement Exemptions and Limitations under the Appropriations Act

To learn your company's NAICS Code, please visit <http://www.naics.com/search.htm>

# If you ARE covered...

If you are covered by the Indiana Occupational Safety and Health Act, the duration of this presentation will inform you about...

- The types of inspections IOSHA performs,
- How penalties are determined and what to do if you disagree with IOSHA findings, and
- How to prepare for an IOSHA inspection and take a proactive approach to keeping your workplace safe.

# Types of IOSHA Inspections

# Types of Inspections (I)...

- Un-programmed Inspections result from...
  - *Fatality/catastrophe*
  - *Complaints* (formal/informal)
    - Formal—a written complaint containing a signature from a current employee
    - Informal—verbal or written complaint from anyone
  - *Referrals* (from another agency or legal entity)
  - *Follow-up/monitoring*
    - If severe violations are found, follow-ups may occur and monitoring can be built into the inspection.

# Types of Inspections (II)...

- Programmed Inspections
  - Inspections that are “random”. That is, not a result of a complaint or referral, but rather a result of data and statistical information and industry type.
- Programmed Health Inspections
  - Chosen randomly, by Federal OSHA, from a computer database of businesses from certain high hazard industries
  - The database is comprised of businesses with certain high hazard NAICS/SIC codes
- Programmed Safety Inspections
  - Chosen by the Bureau of Labor Statistics (BLS)
  - The BLS reviews lost work time, and inspections are done in priority order

# Types of Inspections (III)...

- **Construction**

- The Majority of Construction Inspections are Un-programmed
- Programmed
  - The companies subject to programmed construction inspections are chosen from the General Dodge Report, which targets businesses based upon NAICS/SIC codes and company size
  - Occur in high hazard industries who regularly have issues with...
    - Fall Protection
    - Trenching & Excavation
    - Scaffolding



# Outline of an Inspection

1. Arrival with no advance notice
2. Opening Conference
  - a) Inspector shows credentials
  - b) Explains reason for being there
  - c) Collects data (300 Logs, safety programs, etc.)
3. Walk Around (at worksite)
  - a) Conducts employee interviews
  - b) Does industrial hygiene sampling (if applicable)
4. Closing Conference
  - a) Any violations found are discussed
  - b) Employer signs off, acknowledging that violations potentially exist

# After an IOSHA Inspection

# After the Inspection...

- Inspector will issue any safety orders
- Employer is required to post safety orders
  - They must remain posted for at least 3 days or until abatement (whichever is longer)
- Violations must be corrected and the corrections must be reported to IOSHA

# How much will it Cost?

- Penalties vary from inspection to inspection, and they depend upon...
  - The number of violations
  - Severity
    - Inspector determines severity of a violation
  - Probability of injury from the violation
  - Company Size & History
- ❖ Willful & Repeated Violations
  - Maximum of \$70,000/Minimum of \$5,000
- ❖ Serious & Other than Serious Violations
  - Maximum of \$7,000
- ❖ Failure to Abate
  - Maximum of \$7,000 for each day the violation remains unfixed
  - This can be adjusted based upon company size, company history, etc.

# Is it over then? (I)

Not necessarily—after safety orders are issued, if you disagree with IOSHA findings, you can request an...

1. Informal Conference—meeting with IOSHA leadership to discuss the fines and attempt to come to a compromise

**OR**

2. Formal Notice of Contest—take your case to the Board of Safety Review (BSR) who will hear arguments from both you and IOSHA and make a judgment

# Is it over then? (II)

- If, after a formal contest, you are not satisfied with the decision of the Board of Safety Review, you may wish to seek private legal counsel and take your case to court to have it resolved.
- If you do not wish to contest the safety orders, you must pay the fines and correct all violations.
- You can file a Petition for Modification of Abatement
  - This petition allows you to request more time to abate the violations if you think the corrections will take longer than the time allotted to you.



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# How to Prepare for an IOSHA Inspection

# Prepare for an Inspection

*first things first*

1. Know who will greet the officer
  - If you aren't prepared with a “greeter”, you probably aren't prepared for an inspection
2. Decide who will accompany the officer around your facility
3. Have necessary documentation ready and available
  - Safety Programs
  - 300 Logs



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# Audit Your Own Facility...

- Create a Safety & Health Checklist which is completed regularly
- Inventory all chemicals
- Talk to your employees
  - They do the jobs, so they know the hazards!
    - Have employees do a Job Safety Analysis (JSA) of their specific job
    - Train employees on proper usage of required PPE
    - Establish Safety Training Programs
- For more information, view the [OSHA Safety and Health Management Systems eTool](#)



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# Contact INSafe!



- WHO?

INSafe is the Indiana Department of Labor's OSHA consultation division.

- WHAT?

INSafe provides free & confidential, onsite OSHA consultation services to Indiana businesses.

- WHY?

INSafe can help make your workplace safer, and they can assist you in becoming compliant before you are inspected by IOSHA.

# INSafe



- ALL Hoosier businesses can request INSafe's services
- Consultations are free & confidential
  - Violations will never be shared with IOSHA, with the understanding that you will correct all serious violations by a mutually agreed upon date.
- Utilizing INSafe's services does not guarantee you will pass an IOSHA inspection 100%, but it is a great start to compliance.
- Request INSafe's services online at [www.in.gov/dol/insafeconsultation](http://www.in.gov/dol/insafeconsultation) or Email questions to INSafe at [insafe@dol.in.gov](mailto:insafe@dol.in.gov)

# Frequently Cited Violations

# Top 10 Areas for Citations

## General Industry

- Electrical
  - General Requirements
- Machine Guarding
  - General
- Permit Required Confined Space
- Toxic & Hazardous Substances
  - Written HazCom Program
- Toxic & Hazardous Substances
  - Labeling
- Personal Protective Equipment
  - Respirators
- Toxic and Hazardous Substances
  - Employee information & training
- Lockout/Tagout
  - Program and Procedures
- Toxic and Hazardous Substances
  - MSDS
- Housekeeping
  - Walking Working Surfaces

# Top 10 Areas for Citations

## Construction

- Scaffolds
  - Supported
- Scaffolds
  - Fall Protection
- Fall protection
- Fall Protection and Requirements
- Accident Prevention Signs
- Excavations Requirements for Protective Systems
- Fire Protection and Prevention
- Safety Training and Education
- Ladders
- Wiring Design and Protection



For more information...

Please visit [www.in.gov/dol](http://www.in.gov/dol)  
or call (317)232-2688

