

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Introduction

1. What protection is addressed in Section 11(c) of the Occupational Safety and Health Act?

*Section 11(c) of the Act is the antidiscrimination section. An employee has the right to refuse (in good faith) to be exposed to an imminent danger. Section 11(c) protects employees from their employers taking adverse action against them, if that action would not have been taken but for the employee's exercise of rights guaranteed by OSHA. Examples of these rights include participating in OSHA inspections, conferences, hearings, or other OSHA-related activities; participating on a workplace safety and health committee or in union activities concerning job safety and health; filing safety or health job grievances; complaining to an employer, a union, the media, OSHA or any other government agency about safety and health hazards; requesting to see material safety data sheets or other documents that the employer is required to share with employees upon request; and so on.*

2. In which section of the Occupational Safety and Health Act is the “general duty” clause found?

*Section 5(a)(1)*

3. What is OSHA's first inspection priority (initiating situation)?

*Imminent danger*

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Chapter 1—Top to Bottom

1. Is occupational safety and health the responsibility of management, or does it fall on the entire labor force?

*Occupational safety and health belongs to every employee of the company. It must be the concern of everyone, regardless of their job title, position in the hierarchy, or salary. The desire to work safely must be instilled in each person in the company.*

2. True or False: Forepersons and supervisors should await direction from a safety director prior to abating a hazard.

*False*

3. What two strong and steady leadership characteristics must be in place?

*Explicit direction and respectful inspiration*

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Chapter 2—Responsibility and Authority

1. Name at least three means of protecting against the hazards of moving parts of machinery.

*Fixed, interlocked, adjustable, and self-adjusting guards, presence-sensing devices (radio frequency, photoelectric, electromechanical, infrared), sensing mats, trip bars/plates/rods/cables, restraints, pull-backs, and two-hand controls*

2. True or False: Safety directors should be required to get executive approval before shutting down an operation even if they perceive imminent danger.

*False*

3. List three necessary characteristics of a safety director.

*Highly effective communicator (written and oral), inquisitive and eager to learn, excellent at methodical follow-through*

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### Chapter 3—Accountability and Evolution of Management

1. Should safety be a part of a broader evaluation category, or should it be in a dedicated block or column?

*Safety should be addressed in a dedicated block of an evaluation.*

2. True or False: An evaluation of an individual, regarding safety responsibility, should be drawn solely from the number and nature of injuries and illnesses in his/her purview.

*False*

3. If supervisory personnel are not doing their part, submissive disappointment and tacit discouragement are insufficient. What are the possible consequences of not properly evaluating supervisory personnel?

*Very serious injuries and/or illnesses and OSHA penalties*

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### Chapter 4—Employee Awareness, Acceptance, and Participation

1. In seeking employee acceptance of the safety program, explain the role that managers should play.

*Managers should operate in the role of a coach. A coach teaches, guides, inspires a willingness to do the right thing, and fosters a genuine feeling of trust. When acting in that role and encouraging participation in the system, employees are not only safe to speak out; they feel obligated in a positive way to speak out. Similarly, such a coach can, in a nonauthoritarian manner, help employees to establish and secure a prosafety attitude and a consistent pattern of safe behavior.*

2. True or False: There should not be a vote on every occupational safety and health policy.

*True*

3. Why should the ideas of “line employees” be considered in addition to those of engineers and safety professionals?

*Line employees can often provide practical suggestions that even the engineer, Ph.D., and CEO cannot. They frequently possess a better understanding of the day-to-day operation of their machine. They may know how to make it better and safer. They may know why accidents can or do happen on it, even if management just cannot. They may know how to beat it, a bad habit often motivated by piecework.*

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### Chapter 5—Attitude, Behavior, Motivation, and Philosophy

1. Is it easier to modify behavior or easier to modify attitude?

*Behavior*

2. What is the bond between ability and attainment?

*Motivation is the bond between ability and attainment. Management has the ability (and, in effect, the burden) to assure safe behavior. To attain that lofty, critical objective, employees must be properly motivated, and in essence, the correct behavior should stick if proper motivation has been accomplished.*

3. Is there value in explaining (for instance) how a finger can be caught in an unguarded machine, or is it sufficient to obligate employees to properly use the safeguarding mechanism (no questions asked)? Explain.

*Management should clearly explain how the finger can enter the danger zone. In such a situation, employees may wish to make a strong argument that they are intelligent, experienced, and trained. Therefore, employees should be given examples of how even intelligent, experienced, trained individuals have sustained amputations in mechanical power presses, power transmission chains, and similar apparatus. It is best to give real "horror stories" to make it indelibly clear that even "tough guys" die on the job.*

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### Chapter 6—Engineering, Education, Enforcement

1. When considering the three Es of an effective safety and health program, which element must be handled first?

*Engineering*

2. True or False: As soon as a working space (building, room, etc.) has been built, you should perform your initial safety consideration analysis including optimized machine layout.

*False*

3. Should you always give employees the benefit of the doubt by assuming that (as adults) they know the safe manner in which to work?

*No, you should be as certain as is reasonably possible that they know what you expect of them and that they have the ability to deliver.*

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### Chapter 7—Resources, Library, Audiovisuals, and Instruments

1. A company should have a safety and health library with easy-to-access resources including catalogs of companies that sell safety supplies. List at least five types of safety products that can be found in these catalogs.

*Personal protective equipment (including harnesses), fire protection apparatus, testing and sampling instruments, alarms, signs, tags, lockout/tagout devices, paints and tapes for demarcation, noise attenuating items, emergency eye fountains and deluge showers, medical supplies, emergency lighting, compressed air gun psi-restricting nozzles, spill containment and cleanup items, flammable liquids storage cabinets, safety cans, bonding and grounding equipment for flammable liquid transfer, and an ever-expanding number and variety of products designed to relieve ergonomic stressors.*

2. List at least three categories of safety-related sources for which you should have quick-contact information.

*Emergency medical services, emergency spill services, governmental agencies, insurance carriers, vendors, and consultants including safety specialists, ergonomists, industrial hygienists, and environmental engineers*

3. What is the purpose of OSHA's Alliances program?

*Alliances is designed to help leverage resources to maximize worker safety and health protection. The program is open to trade or professional organizations, businesses, labor organizations, educational institutions, and government agencies. It enables the participating group to collaborate with OSHA, to prevent injuries and illnesses in the workplace, and to network with others committed to those goals.*

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### Chapter 8—Everywhere, Everybody, Everything, and Every Minute

1. List at least three kinds of facilities that are apart from the main building and must be inspected.

*Storage sheds and stationary trailers, compressor shacks, garages, silos, tanks, guardhouses, and treatment facilities*

2. List at least three hazards commonly found on roofs.

*Hazards involving HVAC (heating, ventilating, and air-conditioning equipment), particularly unguarded or inadequately guarded power transmission equipment in the form of fan blades, belts, chains, and pulley; the lack of perimeter protection in the vicinity of items, near the roof edge: HVAC, pipes, access points from ladders or hatches, communication equipment, signs, lighting, and security cameras*

3. Must all electrical and mechanical equipment (to which your employees are likely to be exposed) be “OSHA-approved?”

*Products, including equipment are not OSHA-approved, but they may meet OSHA requirements if used and maintained as designed and intended, which includes use in the proper location.*

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### Chapter 9—Inventory and Control

1. Name at least five categories of safety-related items, *besides personal protective equipment*, for which an easy-access documented inventory must be available.

*Fire extinguishers, testing and sampling instruments, spill-neutralizing agents, locks and keys, tags, labels, batteries, signs, flashlights, first-aid supplies, hoisting/rigging slings and electrical extension cords*

2. Why must equipment labeling be unambiguous?

*Equipment labeling should not be ambiguous so that items are not missed during inspections and so that the correct items are checked. Injuries can occur if there is a false sense of security when the wrong equipment has been “fixed” or inspected.*

3. Does “inflammable” mean flammable or nonflammable? What is wrong with using “inflammable” on a label?

*“Inflammable” means flammable. Many people think that because it starts with “in-” that it is the opposite of flammable, and therefore may not use an item with this label in the correct manner leading to serious consequences.*

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### Chapter 10—General Program and Policies

1. What is the central underlying objective of an occupational safety and health program?

*The central underlying objective of an occupational safety and health overall program is to minimize risk. In turn, all elements of the program should be directed toward one unqualified goal: accident prevention.*

2. Is it advisable to have your safety program driven by mod rates and pie charts? Why or why not?

*No, this type of program tends to be dysfunctional. These companies suffer the disability of tunnel vision and only see neatly diagrammed statistical indicators. All too often, they overlook accidents waiting to happen because they have concentrated too keenly on the types of accidents that have already occurred.*

3. True or False: Safety should stand alone from the rest of the company instead of being a part of the standard operating procedures.

*False; the safety program should not be superimposed, like a template, over parts of the company's structure. It must be inextricably interwoven into the lifeblood of the company's way of doing business.*

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### Chapter 11—Specific Programs Required by OSHA

1. List at least three subjects for which OSHA requires dedicated programs.

*Hazard communication, lockout/tagout, electrical safety-related work practices, permit-required confined spaces, hazardous waste operations and emergency response, bloodborne pathogens, emergency action plans, and fire prevention plans*

2. True or False: Medical surveillance programs are an ongoing, regular process.

*True*

3. List at least two types of equipment that OSHA requires employers to inspect.

*Mechanical power process, overhead cranes, and slings*

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### Chapter 12—Personal Protective Equipment

1. List three examples of personal protective equipment that OSHA considers to be personal in nature.

*Prescription safety glasses, safety shoes, logging boots*

2. How should hearing protection plugs (in most cases) be inserted into ears?

*Take the plug and roll it between the thumb and index finger, then gently stretch the ear lobe up and out by reaching with the opposite arm over the head and pulling the lobe, and then inserting but not letting go of the lobe for a few seconds so that the plug can expand in the ear canal as designed.*

3. Give a specific example of when and how “engineering out” a hazard is preferable to simply requiring the use of personal protective equipment?

*Seek to lower noise levels at the source so that hearing protection is not needed or so that source hazards are mitigated. Another example of engineering out is to provide properly positioned ventilation systems (often localized) that exhaust vapors or fumes so that respirators are not needed.*

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### Chapter 13—Preventive Maintenance

1. List at least ten types of equipment that should be regularly tested.

*Interlocks, presence-sensing devices, pullbacks, restraints, emergency shut-off buttons, stop-actuating cables, ground fault circuit interrupters, quality of electrical grounds (quantifiable), emergency lighting, vehicle horns and backup alarms, emergency eye fountains, deluge showers, manometers, drains, fire alarms, and evacuation alarms*

2. For at least how many minutes must emergency eye fountains constantly flow after activation?

*15 minutes*

3. Explain the hazard of a broken bezel and/or a stylus on a gauge.

*The reason that this can be a hazard is that, if the stylus or general mechanism is damaged, a false reading may be given. Such a reading may result, for instance, in an employee boosting air pressure or the level of liquid in a tank far beyond the safe limit.*

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### Chapter 14—Safety and Health Committees

1. Should safety committees have more management members or more labor force members?

*There should be at least as many line or nonmanagement employees as management representatives. Virtually all laws requiring committees call for this composition.*

2. True or False: Committees should be concerned with the safety of an entire establishment instead and not focus on just the areas with the greater hazard potential.

*True; it is imperative that the committee, like the overall program, be concerned with the entire establishment—all of the buildings, grounds, equipment, etc. It is obvious that areas with greater hazard potential may be the topic of conversation and study more often, but no area or operation should be totally abandoned.*

3. Unfortunately, the existence of safety and health committees can cause special legal problems. This is most often a possibility where there is no authorized union. In certain situations, the National Labor Relations Board (NLRB) has determined that the committee fit the definition of a labor organization or union. What are the three criteria for an entity to fit this definition?

*The definition applies to entities that:*

1. *Are based on employee participation;*
2. *Exist at least in part for the purpose of “dealing with” employers;*
3. *Address such topics as wages, hours, and conditions of employment when dealing with employers.*

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### Chapter 15—Accident Investigation

1. What is the main purpose of an accident investigation?

*The main purpose of an accident investigation is to preclude or greatly reduce the chances of a recurrence. Accidents can be reasonably predicted and prevention in most cases.*

2. Give an example of an incident that was directly related to an act of nature and resulted in a serious injury but could have been prevented?

*Employees being stung by a bee, employee killed in a flood when the establishment is in a flood plain*

3. Briefly explain the problem with describing an incident as a “freak accident”.

*When this excuse is to be believed, the idea is that the accident was not even remotely foreseeable. The next thought is that there is nothing that can be done to avoid a similar incident so there is no purpose in even conducting more than a cursory accident investigation. Therein lies the danger of the “freak accident” label. It is a way to increase the chances of another person suffering because no controls are brought into the picture.*

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### Chapter 16—Injury and Illness Records and Reports

1. Give at least three types of trends that may become apparent on injury/illness logs.

*Trends may appear when multiple cases involve the same department, occupation, task, part of the body, diagnosis, or victim. There may also be a reponderance of cases relating to the same supervisor, shift, or approximate time of day. An even more detailed study could show that employees are being injured early in the work week, late in the work week, or while working overtime.*

2. Is it conceivable, or is it mere bunk, that some employees may have a tendency to (and/or are better-suited to) work more safely on certain shifts?

*However, some employees have adapted to extremely early morning hours and actually perform well. Others (giving credence to the term “night people”) may thrive at those hours without the need for adaptation. The general issue is an important one. There should be no assumption that particular employees will easily adjust to long or unfamiliar hours simply because they are motivated to do so.*

3. True or False: The employer is obligated to report to OSHA an occupational fatality only if it resulted from a violation of an OSHA standard.

*False; if there is a fatality that resulted from a work-related incident, it must be verbally reported to the relevant OSHA area office or by using the OSHA toll-free central telephone number within 8 hr following the employee’s death.*

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### Chapter 17—Setting Priorities

1. What are the main criteria for determining priorities?

*If someone gets hurt or sick due to the unsafe or unhealthful situation, what is the reasonably predictable severity of injury or illness (always leaning toward the more severe)? What is the probability of a related accident resulting in injury or illness? How many persons are exposed to the hazards?*

2. True or False: Class “A” (highest) priorities should always be handled to completion before addressing class “B” priorities.

*False; all deficiencies should be corrected, but some examples of when smaller and/or easier projects of lower priority can be addressed are the following: while awaiting the arrival of equipment or personnel for the As, when there is an open time slot of short duration where work on an A would not be practical, when several of those Bs or Cs could be grouped, and when a person who would not be involved in the resolution of an A could “knock off” a B or C in a satisfactory manner.*

3. Should apparent violations of OSHA standards always be abated before hazards not related to specific OSHA standards? Explain.

*Not necessarily; there are often conditions and practices that, while not in violation of the law, present hazardous situations. OSHA standards are minimal. It is a good idea to exceed them, not just for personal protective equipment (addressed elsewhere in more detail), but for such subjects as guarding of belts, gears, chains, couplings, fan blades, and similar moving parts.*

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### Chapter 18—Training and Education

1. True or False: Excellent training can overcome unsafe working conditions.

*False; training, no matter how effectively done, cannot take the place of safe work conditions. For instance, training should not have to include a warning to work carefully around unguarded machinery or to walk carefully when descending stairs that lack railings. The machines should be guarded, and the stairs should have railings.*

2. What is a value of training scheduling being coordinated with the personnel office?

*It is advantageous to avoid staggered hiring, which results in two persons starting work on the 1st of the month, three on the 5th of that month, and then two more on the 8th. It is much easier and much more practical to have them all start at the same time so they can all be trained at once. Otherwise, there is a proven tendency to not train the persons hired on the 1st and 5th until the 8th, when the last of the group is brought on board. Then, they will all be trained together. Of course, that puts the new employees and possibly those that they might endanger in jeopardy until the 8th.*

3. What are the benefits of on-the-job training as opposed to just listening to a lecture or a presentation?

*If employees are observed engaging in unsafe behavior, they should be stopped as soon as practicable, but not by startling, and the correct behavior should be explained. All too often while in the course of an inspection, the safety director, foreperson, or other person witnesses unsafe behavior, but chooses to not bring it up until he or she writes a memo or until a meeting is held. It is essential to stop the unsafe act as soon as possible. If follow-up documentation is to be instituted, it can be dealt with later. In that case, and with any form of training, the trainer is burdened with the responsibility of convincing employees that complying with safety regulations is to their advantage. They must understand exactly why. The answer cannot lie in some general philosophical cloud. Employees must understand cause and effect.*

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### Chapter 19—Progressive Discipline

1. What are the main purposes of progressive discipline?

*A progressive discipline plan should help convince those employees who still are not sufficiently motivated.*

2. True or False: Progressive discipline programs should be discussed with authorized, represented unions.

*True*

3. Should an employee, who knowingly uses equipment that is unsafe (as obvious and as discerned in training) due to having been damaged, be disciplined if he/she did not cause the damage?

*Yes; employees should be encouraged to report unsafe conditions without discipline even if they caused the damage.*

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### Chapter 20—Handouts and Postings

1. Should all safety posters and banners be displayed in the same place and position at all times? Why or why not?

*No, after a while, they become the equivalent of invisible if they remain in the same location. Therefore, their locations should be rotated for maximum effect*

2. True or False: The more information on hand-outs, the better.

*False; you do not want to overwhelm the employee with handouts that are too long or too complex.*

3. What is one potential “added value” of inserting a hand-out in the envelope with the paycheck?

*When a handout accompanies a check in an envelope (particularly if it is mailed), there is the possibility that the spouse may take a look at it and encourage the employee to read it.*

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### Chapter 21—Signs, Labels, and Tags

1. What is the problem with a sign simply stating (for example) “WARNING: ARGON PURGE?”

*The words do not suitably command the attention of the reader. The warning should have clearly imparted the message that there was a grave danger of oxygen deficiency.*

2. What is a potential problem with a sign placed on a door?

*Doors may be left open, at an angle that precludes a view of the sign when walking toward the opening. If the door is opened into the room or space to be entered, sometimes the sign is only spotted when the person has already passed through the door frame; when the door is opened far beyond 90 degrees, the person may walk by the sign and miss it entirely. If the door is opened away from the room or space to be entered (toward the would-be reader), there is an even greater chance that the sign will go unnoticed; it may now be behind (on the other side of) the door surface that remains in view. If an evacuee does not see the exit sign on a door, he or she may well waste time going to an exit that is farther away. If the unseen sign was for indicating a direction not to be taken for exiting, an evacuee may assume the opposite and enter an area that does not provide escape. Similarly, a person may enter a space that is not a dead end (as there is an escape route to the exterior), but it would still be a poor choice to do so. In such case, the evacuee could be forced to go through a space containing (for example) flammable liquid storage, acetylene and oxygen, or other high hazard concerns. A sign that is on a door, but is not visually evident, may be unrelated to egress decisions; it may be posted to warn about particular hazards (and/or the need for personal protective equipment) in the space beyond the door.*

3. Give an example of when a “NOT AN EXIT” sign should be posted.

*If a door, archway, or similar opening could reasonably be mistaken for an exit or a way to an exit, even though it is not, then there should be a sign indicating Not an Exit or indicating the actual character of the opening (Boiler Room, Supply Closet, etc.).*

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### Chapter 22—Inspections

1. Should all inspections be conducted on a specific, regular schedule? Explain.

*Although there may be times when inspections are announced, there is no question that many inspections must be conducted as surprises. In virtually all cases, OSHA inspections are unannounced and it is best to simulate OSHA inspections for the most part. Do not give employees the opportunity to neaten up for an inspection, to replace guards, to scurry to don personal protective equipment, or to put out cigarettes. See the shop the way it normally runs. Period. Vary the route and order of the tour. This will help remove the predictability of when a certain area will be entered for inspection. Drop-in at midnight, inspect, then (this can be interesting) return in an hour.*

2. True or False: It is preferable to use “check or no check” boxes on inspection sheets.

*False*

3. Give at least three means of abating tripping hazards presented by electrical cords and cables, and telephone and network wiring.

*Use rubber-type, beveled runners designed to protect cords and cables in a covered channel, while minimizing trip potential, or consider moving furniture or equipment, adding receptacles or jacks, consolidating, or using cordless telephones.*

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### Chapter 23—Incentives

1. Can incentive programs serve as the major component of an overall safety program?

*No incentive program can serve as the major part of an overall safety program. However, if formulated and implemented within the proper framework, it can shore up gaps that allowed risks to remain or to surface. It can aid in the philosophy of employee self-regulation and show a most worthwhile return on investment.*

2. True or False: The best type of incentive program focuses on a lack of injuries.

*False; these types are the most common, but the more meaningful incentive programs center on good work performance. In such cases, the danger of not reporting is irrelevant. Employees are rewarded for positive actions as opposed to the lack of negative results.*

3. Why consider rewarding individuals who submit many pro-safety suggestions, even though none of those ideas bears fruit?

*Even if several ideas do not bear fruit, one might produce an orchard. You want to inspire employees to generate a flow of ideas.*

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### Chapter 24—Employee Assistance Programs and Wellness Programs

1. What is a simple explanation of the purpose of an Employee Assistance Program?

*An EAP is a program designed to help employees cope with personal problems and pressures that adversely impact on job performance and general well-being.*

2. True or False: Good health is merely the absence of disease, ailment, injury, or illness.

*False; from a holistic perspective, it is also a state of mind and body that yields a feeling of well-being. From this broad perspective, a truly healthy person consistently approaches life with a spirit and vigor that cause self-contentment to thrive.*

3. Should substance abuse programs only address illegal drugs?

*No, they should also address alcohol, legal drugs used in excess, and the combination of alcohol and legal drugs.*

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### Chapter 25—Medical Case Management and Return to Work, Including Ergonomics

1. True or False: Injured employees should not return to work until physically and mentally ready to work full time.

*False; too many companies use the all or nothing principle and only return employees to work if they can work a full shift, at full capacity, on the job that they performed prior to the injury or illness. This is a mistake. Can work hardening take place in the company, instead of the enlistment of (or shortening the use of) a rehabilitation center? Work hardening involves getting employees back into mental, emotional, and physical condition so that eventually they can fully resume their original jobs, if possible. This is done in steps. The gradual and safe buildup of musculature is paramount.*

2. For ergonomic concerns, is it best to view the job as a whole or by breaking it down to sequential tasks?

*Break it down into sequential tasks.*

3. When might an ergonomist test an employee's physical ability, and how would the ergonomist perform the test?

*An ergonomist or other professional may test physical ability when there are real doubts as to whether all individuals can perform a job task in a reasonably safe manner. The testing must employ an objective, discernibly reliable method that is not just a general strength evaluation, but one that can address specific movements necessary for job-task performance. One way to do this is to have the employees lift a stable weight through the actual range of motions required by the particular tasks.*

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### Chapter 26—Job Hazard Analysis

1. True or False: There is no need to bring employees into the JHA (Job Hazard Analysis) formulating process.

*False*

2. In a four-column JHA, what are the subjects of each column?

- *The first column should address the basic steps within the job as they are performed in a normal sequence.*
- *The second column should address potential hazard.*
- *The third column should list causes.*
- *The fourth column should specify preventive measures.*

3. When is the best time to perform an initial JHA?

*It is best to perform job hazard analyses when the jobs are in the design and planning stages.*

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### Chapter 27—OSHA Visit Action Plan

1. True or False: When an OSHA compliance officer begins the walk-around inspection process, it is advisable that he/she not be accompanied by an employer representative.

*False; a representative should walk around with the inspector and perform a side-by-side inspection as well as film the inspection.*

2. What is the receptionist's involvement in an inspection?

*Receptionists should be aware of the steps to be taken when the OSHA officer enters the premises so that they do not roam around the facility. The receptionist should know where the officer should wait and contact the proper management official immediately.*

3. Is it acceptable to keep a list of the hierarchal order of individuals who should greet the OSHA compliance officer?

*Yes*

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### Chapter 28—The OSHA Visit: Arrival and Entry

1. Should you ask to see the OSHA compliance officer's credentials upon arrival? What should you do if there is any doubt of identity?

*Yes, credentials should be inspected immediately. If there is any doubt at all that the person is a compliance safety and health officer, you should call the OSHA area office or equivalent state agency. If the officer is an imposter, the FBI and local authorities should be contacted.*

2. Who should speak with the compliance officer after credentials have been verified?

*An employer representative of significant authority, such as an owner, operator, or agent in charge of the workplace*

3. When may advance notice of an inspection be authorized?

*Advance notice of inspections may be given only with the authorization of the area director and only in the following situations:*

1. *in cases of apparent imminent danger, to enable the employer to correct the danger as quickly as possible;*
2. *when the inspection can most effectively be conducted after regular business hours or when special preparations are necessary;*
3. *to ensure the presence of employer and employee representatives or other appropriate personnel who are needed to aid in the inspection;*
4. *when the giving of advance notice would enhance the probability of an effective and thorough inspection (a complex fatality investigation, for instance).*

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### Chapter 29—The Opening Conference

1. What are some of the circumstances under which OSHA might issue a subpoena duces tecum?

*A subpoena for production of records (subpoena duces tecum) will normally be served if the employer did not accede to a compliance officer's examination of OSHA-required records.*

2. Should OSHA initiate a complaint inspection if the complainant is considered a disgruntled employee? Explain.

*Yes, OSHA should still initiate the inspection. Even if the complainant is considered "disgruntled," that is not sufficient reason for denying the issuance of a warrant. Motivation should not be a factor. The key question is whether or not OSHA believes that the hazardous conditions described by the complainant are likely to exist and constitute violations. Frequently, employers gripe that the complainant must be a disgruntled employee. That argument is presented as if a disgruntled employee has no right to complain. He or she has every right. Why is that employee disgruntled? The answer may be a direct outcropping of the unsafe and/or unhealthful conditions at the workplace. Even if that employee is a chronic complainer about matters including those unrelated to safety and health, he or she may be offering well-conceived concerns about occupational hazards.*

3. True or False: It is always wise for the employer to show OSHA the training records and the safety committee notes.

*False; certain paperwork may reveal "willful" violations or highlight that noted hazards have yet to be abated.*

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Chapter 30—The Walkaround

1. List at least three ways that an employer may have gained knowledge of a hazard.

*The hazard may be visually obvious, attention may have been drawn to the hazard by an accident that had occurred, or employees may have brought concerns about hazards to management's attention.*

2. If the OSHA compliance officer observes a machine that lacks required guarding, and the employer points out an identical machine that is properly guarded, how can that supposed defense be counterproductive?

*It establishes the employer's knowledge of proper guarding.*

3. List at least five factors that can be considered as exacerbating circumstances regarding a hazard.

*high noise levels, poor visibility, high stress including piecework, inadequate training, tripping or slipping hazards (e.g., near unguarded moving parts), crowded conditions, poor illumination, hazards that could surface unexpectedly (automatically starting/cycling equipment with unguarded moving parts, e.g., compressors)*

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Chapter 31—The Closing Conference

1. True or False: It is preferable to refrain from giving defenses during an OSHA closing conference and to wait until a citation is received.

*False; it is better to discuss violations with the officer before he or she leaves. Such defenses can result in lower proposed penalties or in citation classifications of "other" instead of "serious." Also, there are many times when you can reveal or demonstrate that what at first appeared to be a hazard or violation was not one at all.*

2. List at least three factors that can be considered as mitigating circumstances regarding a hazard.

*extensive training and experience of potentially exposed personnel, partial guarding or other protection, the use of personal protective equipment where it can reduce the probability of injury/illness or reduce the severity of any injury or illness, good housekeeping in the immediate area (relating to a lack of slip/trip hazards and an excess of working/walking space), good lighting, warning signs, the visibly obvious nature of the hazard (not necessarily a factor in your favor, but could be helpful), and slow speeds or little force regarding moving parts of machinery*

3. Should the employer always request the longest/latest abatement date?

*Not always; some hazards are easily controlled or eliminated immediately and can be abated before the citation arrives. By continually requesting 2 years for abating violations, you throw away an opportunity to work with the compliance officer in good faith and may end up with shorter abatement dates than if you offered sensible reasons for longer ones.*

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Chapter 32—Citation Remedies: The Informal Conference and the Contest

1. Should the employer plan to “go to work” on cited items as soon as the citation arrives?

*Yes, if not beforehand. Convene a meeting of your previously selected team, identifying which individuals will spearhead your efforts to comply with the citation(s) if you feel that such a course of action is proper. You should also identify those persons who will be able to contribute to your efforts to fight aspects of the citation(s), if appropriate.*

2. True or False: No citation can be issued after the expiration of 6 months following the occurrence of any alleged violation.

*True*

3. Upon receipt of citation, how many days does the employer have, in which to formally contest?

*15 days*

## OSHA INSPECTIONS, 2<sup>ND</sup> EDITION—ANSWERS TO CHAPTER REVIEW QUESTIONS

### Chapter 33—Defenses to Citations

1. If the OSHA compliance officer determined (by use of a circuit tester) that an electrical receptacle was ungrounded, what might be a fair and reasonable defense?

*If it is not visibly obvious that there was at least outward damage, there was no pattern of receptacle hazards, and there was no evidence of shocks or flying sparks, then the employer should be in a position to assert that there was no reason to determine that he or she should have known. You can support this argument with the fact that the electrical receptacles were installed by a licensed electrician and that you have periodically used a circuit tester to spot-check receptacles in general. After all, you are not automatically obligated to test all of the receptacles every week.*

2. What are the numerous arguments that the employer must successfully offer, to bolster a defense of “isolated incident?”

*The company has established an adequate work rule designed to prevent the violation, had adequately communicated the rule to the employees, had taken steps to discover violations, and had effectively enforced the rules when violations had been discovered. There is a far greater chance that the defense will be upheld when there have been sanctions, such as reprimands and the docking of pay, prior to the inspection.*

3. Briefly, under what circumstances may OSHA allege a “willful” violation?

*“Willful” may be cited if the violation was committed voluntarily with either an intentional or purposeful disregard for the requirements of the Act or with plain indifference to employee safety.*