#### POLICY ON EHS REGULATORY INSPECTIONS

**I. Purpose**

 The purpose of this document is to provide guidelines to follow when a DOT, an EPA or an OSHA compliance inspection is conducted at \_\_\_\_\_\_ (Company). This includes inspections by federal agencies as well as municipal, county, regional or state agencies.

 This guidance will be useful for either planned inspections or inspections that may occur in response to a citation, complaint, notice of violation or other documented enforcement action or when requests to comply with environmental health & safety (EHS) laws is received by \_\_\_\_\_\_.

 Please note that it is Company policy to cooperate with local, state or federal governmental agencies during a compliance inspection related to environmental, health or safety (EHS) matters. Absent unusual circumstances, the Company does not require a search warrant from these agencies and expects all employees to have a positive approach during any investigation process. EHS agency compliance officers will be escorted to a “neutral” meeting area such as conference room upon initial arrival to any Company location. Line managers are encouraged to protect the Company's rights and the Company's obligations to uphold employee rights during an EHS agency inspection by being familiar with this policy and the guidance contained in the information that follows. Because an EHS investigation or inspection is the start of a legal proceeding the Law Department should be notified at the outset of such activity.

### II. Scope

This written program applies to all \_\_\_\_ plant locations, transportation & distribution locations as well as all \_\_\_\_ administrative offices.

### III. Maintenance

The \_\_\_\_\_ EHS Director is responsible for updating this procedure. Suggestions for revisions or modification to this written program should be submitted directly to the EHS Director or a local EHS Coordinator at any \_\_\_\_\_ location.

# **Definitions**

1. External Inspection

An on-site visit by an external governmental EHS agency or contractor working for such agency. This definition does not include routine visits by agency personnel who are integrally involved with facility operations (ie. such as FDA or state level food Compliance Officers). Note that the Company has a separate policy for FDA inspections.

1. **Discussion**

**1.0 Responsibilities**

1.1 **Plant Managers (PM) and Site Managers (SM)**

Managers must ensure that EHS program elements have been implemented and are in place at their respective location. In the event of an inspection, the lead line manager (ie. PM or SM or a designee) must act as the Company's representative when an EHS agency inspection occurs. This includes ensuring:

 1.1.1 Notifying the local EHS Coordinator, the \_\_\_\_\_ EHS Director and the Group Vice President or Executive. A representative of the Law Department should also be notified as soon as possible.

 1.1.2 Identifying an individual or individuals responsible for maintaining up to date office/site EHS recordkeeping and training programs.

 1.1.3 Employees are informed of their rights under relevant laws and the Company's compliance inspection guidelines.

1.1.4 Coordination actions in accordance with direction given by the \_\_\_\_\_ EHS Director & the Law Department.

1.1.5 Ensure that the post inspection checklist is completed following the initial inspection or any subsequent inspection visits.

1.1.6 Coordinate and perform necessary corrective action efforts following a regulatory inspection.

 1.2 **Law Department**. The Law Department provides counsel to the Company on any compliance inspection and advises the Company on the appropriate actions to take to ensure compliance and appropriately respond to inquiries and requests by EHS agency compliance officers.

 1.3 **EHS Director**. The Company EHS Director will assist lead line managers and local EHS Coordinators with implementation of EHS programs and to act as a technical resource during a regulatory compliance inspection.

 1.4 **Employees**. Employees should reasonably cooperate with an EHS Compliance Officer and provide only truthful factual information in response to questions asked of them. If employees have concerns about anything that is asked of them by an Compliance Officer, they should discuss those concerns with their supervisor.

 **2.0 Procedures**

 2.1 The local line manager (or designee) will act as the lead Company representative during an inspection.

 2.2 The local line manager will follow the \_\_\_\_ Incident Reporting Procedures.

2.3 The local line manager will contact the \_\_\_\_ EHS Director for assistance and guidance during the inspection.

**3.0 Opening Conference**

In most cases, the EHS compliance officer is required to conduct an opening conference to explain the nature and purpose of the inspection. The inspection should be limited to the issues specified by the Compliance Officer and the portions of Company facilities where activities related to the identified issues take place. Every effort should be made to define the scope of the inspection at this time and avoid ambiguities from overly general and ambiguous complaints or vague and non-specific areas of interest to the compliance officer. All contractors working on site can be subject to the inspection, and consideration should be made to determine the appropriateness for any representation in the inspection by contractor personnel. If labor unions are working on site, the union or craft stewards must be offered the opportunity to be involved in the opening conference and walkthrough inspection tour.

An inspection may be prompted by:

1. A fatality or catastrophe;
2. An anonymous complaint by an employee or the public;
3. Referrals from other regulatory agencies;
4. Targeted inspection based upon industry classification
5. Targeted inspection based upon high hazard statistics
6. Environmental data submitted to a regulatory agency
7. Permit violation or report of a permit of violation;
8. Routine compliance evaluation; or
9. A Company initiated State OSHA consultation visit

**4.0 Records**

The EHS Compliance Officer may ask to review the following EHS records and documents:

1. OSHA Form 300 – Log of Occupational Injuries and Illnesses (last 5 years).
2. OSHA Form 301 – Supplementary Record of Injury or Illness
3. EHS Plan or Written Programs (relevant to the scope of the inspection).
4. Documentation of a chemical inventory and SDS’
5. Safety permits such as CSE permits, Hot Work permits, etc.
6. Documentation of a lockout/tagout procedures
7. Air monitoring records
8. Exposure records
9. Training records
10. Minutes of past Safety Committee Meetings
11. Effluent or emission data
12. Various permits
13. Waste analysis documents

If the EHS Compliance Officer asks for copies of any records, the facility’s OSHA 300 logs and OSHA 301 forms must be made available at all times and will be provided to the Compliance Officer during the inspection. If other facility records are requested, the Company representative should ask the Compliance Officer to put the request in writing. The Company representative should consult with the EHS Director and/or the Law Department about the Compliance Officer’s request. After review of the Compliance Officer’s written list of requested records, records that are clearly within the scope of the inspection and relevant to the Compliance Officer’s inquiry should be provided reasonably promptly in order to assure the Company is being cooperative and responsive to the Compliance Officer’s request. If there is uncertainty or concern about the Compliance Officer’s request for particular documents, they should not be provided to the Compliance Officer without the consent of the Company EHS Director or a member of the Law Department. Copies of internal correspondence shall not be given to the Compliance Officer and shall be limited and controlled. Distribution of any internal correspondence to an external regulatory agency must first be authorized by the Company EHS Director or by a member of the Law Department. Do not voluntarily release documents that have not been requested by the Compliance Officer; respond only to the Compliance Officer’s specific requests.

**5.0 The Inspection Process**

The inspection must be completed at a reasonable time, within reasonable limits, and done in a reasonable manner. The Compliance Officer does not have to wait for the EHS Coordinator to join the inspection before it begins. At least two Company representatives designated by the lead line manager should always accompany the Compliance Officer during the facility tour (if requested by the Compliance Officer). If the location has a collective bargaining agreement (union), a union representative (steward) has a right to be present during the facility tour. The inspector should only be shown the parts of the facility where activities related to the issues the inspector is interested in are occurring. The most direct route to such areas shall be used to access them, and Company representatives should avoid taking the inspector through other areas of activity that do not involve activities of interest to the inspection. One of the two Company representatives should take careful notes of the areas and conditions inspected and matters of interest to the inspector. If an issue is identified by the inspector that obviously needs to be corrected and immediate correction is possible, the Company should correct the issue or problem immediately - - this will show good faith effort for us as an employer.

If the inspector desires to take photographs of any conditions in the facility, the Company representatives should offer to take the photos themselves and provide copies to the inspector after the inspection. If the inspector insists on taking the photos, Company personnel should take duplicate photos of whatever issue or alleged hazard condition that is being photographed by the inspector.

**6.0 Employee Interviews**

The EHS Compliance Officer may wish to interview employees about any issues that resulted in the inspection or that were identified by the inspection. The Compliance Officer has the right to interview a “reasonable number” of line employees. Employees should be encouraged to reasonably cooperate with the interview and provide only truthful, factual information to the Compliance Officer. They should be advised not to speculate but to respond that they do not know if they are asked about something they do not have direct knowledge about. Interviews are voluntary so the employee can request that others, including management, be present during the interview. If the location is represented by a labor union and has a collective bargaining agreement, employees that are part of the bargaining unit are allowed to have a union representative (steward) present during any interview with an EHS Compliance Officer.This is the employee’s legal right and neither representatives of OSHA nor \_\_\_\_ should pressure an employee as to who else they may want to have with them during the interview. Employees have a right not to be recorded. Employees are not required to sign any statement or prepare a written statement for the investigator. Management should advise employees of these rights but should not pressure them as to what they should do regarding them.

If the EHS Compliance Officer wishes to interview Company managers, the Company has the right to have other management and/or legal counsel present for any such interview. If there is a possibility of violations of law or regulations based on what is known concerning the inspection, the local line manager should consult with the Company EHS Director and/or the Law Department to determine if the Company should arrange to have legal counsel be present for the interview. If the Compliance Officer intends to record the interview, Company managers should refuse to be recorded. Line managers may be asked to sign a written statement by the Compliance Officer. No manager should sign any such statement without first obtaining permission to do so from the Company EHS Director and a member of the Law Department.

**7.0 The Closing Conference**

EHS Compliance Officers routinely conduct a closing conference at the conclusion of any inspection. The following individuals should attend the closing conference:

1. Lead line manager for the location
2. EHS Coordinator
3. Persons who accompanied the Compliance Officer for the inspection
4. Union or craft stewards
5. Representatives of the Company’s contractors/subcontractor, if involved

As part of the closing conference the Compliance Officer will review and discuss any findings that were observed. The Compliance OfficerCompliance Officer will discuss abatement methods and dates by which the alleged violations should be corrected or the anticipated time necessary to correct an alleged violation. The Compliance Officer will also review the employer's rights following an inspection. Management should listen carefully, take good notes and should not admit that conditions constitute violations of regulations, etc.

The lead line manager shall request receipts for all samples, documents photocopied by the Compliance Officer and, if created during the inspection, a copy of the inspector’s photo log.

**8.0 Post Inspection Activities**

Post inspection activities will be determined on a case by case basis. At a minimum, the lead line manager shall complete the post inspection checklist and forward it to the Company EHS Director. No written response to an external inspection, complaint, notice of violation or other documented enforcement activity shall be sent to an external agency without review and approval by the Company EHS Director and a member of the Law Department. It is illegal for the Company to retaliate against any employees who cooperated with an EHS inspection and it is specifically against Company policy to do so. Hence, Company management should be sensitive to this when considering discipling employees following an EHS inspection.

### VI. References

OSHA Act of 1970 (29 USC 651)

OSHA 29 CFR Part 1904

### VII. Attachments

 1 OSHA Inspection Guidelines

1. OSHA Compliance Information
2. OSHA Notification Employee Information
3. OSHA Inspection Tips
4. OSHA Inspection Table Top Exercise
5. Post Inspection Checklist

 **ATTACHMENT 1**

 **OSHA INSPECTION GUIDELINES**

**OSHA INSPECTION GUIDELINES
(CONFIDENTIAL: NOT TO BE SHARED WITH OSHA)**

The Occupational Safety & Health Administration (OSHA) is chartered to ensure worker safety and health through enforcement of their standards. OSHA inspections can occur as a result of an employee complaint or an inspection targeted by SIC code. Employers are obligated to call OSHA within 8 hours of an employee fatality or when three or more workers (including subcontractors) are hospitalized.

In the event that an unannounced OSHA inspection occurs, it is Company philosophy to cooperate with the Compliance Officer and follow these guidelines to protect the Company's rights and our obligations to our employees.

The following general guidelines should be followed whenever an OSHA inspection takes place at an **office location or plant:**

The local manager should greet the OSHA Compliance Officer at the reception area.

Request that the Compliance Officer wait in the lobby or reception area while you arrange to meet in a “neutral area” such as a conference room. Contact appropriate staff to communicate that an inspection is in process:

◼ Local EHS Coordinator

◼ Company EHS Director

◼ Group Vice President or Executive

An opening conference will be conducted by the OSHA Compliance Officer. This conference will define the purpose of the inspection and the actual inspection process. The standard procedure for an OSHA inspection begins with an OSHA records request including OSHA 300 log(s), relevant Company health and safety policies, safety training records and documentation, medical records or fit for duty forms and necessary safety plans.

During the inspection, the OSHA Compliance Officer may interview a variety of employees. Employees should answer all questions in an honest and direct manner. If an employee does not know the answer to a particular question, then the employee should indicate such ("I don't know"). The employee should offer only information asked of them. Note that OSHA is allowed by law to conduct confidential interviews with employees (without representatives from Company management being present), if the employee is willing to be interviewed privately. The employee has the right to request that others (including management) be present for the interview. It is the employee’s right to request this, not the Company’s right to require it.

Document the inspection process noting what is said, who the Compliance Officer spoke to, and any photographs or monitoring (i.e., air, noise) conducted. Take careful notes of any comments made or issues raised by the OSHA Compliance Officer. If the Compliance Officer makes reference to a condition that can be corrected immediately, the line manager in charge should take measures to rectify the situation with expediency to demonstrate willingness to implement corrective measures recommended by the Compliance Officer.

If the OSHA Compliance Officer indicates the desire to inspect a particular area of the office or facility, this must be scheduled accordingly based on reasonable availability of staff resources to accompany the Compliance Officer. The inspection should not disrupt operations.

Once the inspection process is complete, a closing conference will be held. The findings of the inspection will be disclosed during the closing conference. At this time, any forthcoming fines or citations will be referenced. If possible, schedule a mutually convenient time for the closing conference so the appropriate staff members (such as the EHS Coordinator) can be present.

OSHA fines and citations are usually sent by registered mail to the office where the inspection took place. Upon receipt, the local line manager should immediately provide a copy of this correspondence to the Company EHS Director and the Law Department in order to define a plan of action on how to respond. Typically the Company will have only 15 days to take action so prompt action and notification is critical.

 **ATTACHMENT 2**

 **OSHA COMPLIANCE INFORMATION**

 **OSHA COMPLIANCE INFORMATION**

**Employee Rights**

No employee shall be discriminated against because he or she exercises any right under the Occupational Safety and Health Act (OSHA). An employee who believes that he or she has been discharged or otherwise discriminated against in violation of this provision may, within 30 days of such illegal action, file a complaint with the Secretary of Labor at the nearest OSHA office. The Company prohibits discrimination of any employee in violation of these rights

**OSHA Inspections**

OSHA Compliance Officers are authorized to enter and inspect any establishment where work is conducted by employees of an employer. Any employee has the right to request an inspection without fear of retribution from their employer. The employee, however, must have specific grounds for the request and typically must sign a written notice for the inspection. The employer must be provided with a copy of the complaint by the OSHA Compliance Officer, but the name(s) of the complainant(s) need not be furnished.

In enforcing the standards, OSHA Compliance Officers may enter without delay at any reasonable time. OSHA permits the employer and one or more employee representative(s) to accompany the Compliance Officer during the physical inspection of the facility. A Compliance Officer has the authority to close an entire operation if imminent danger is discovered. Imminent danger is any condition or practice that could immediately cause death or serious physical harm, before the hazard can be eliminated through normal OSHA enforcement procedures. These situations are very rare.

**Notification Requirements**

All OSHA inspections must be documented and copies provided to the Company EHS Director. Notification of the inspection should be relayed to the EHS Director and Law Department as soon as possible.

Company locations must report incidents resulting in one or more fatalities or the hospitalization of three or more employees arising from the same operation or process to the nearest OSHA Area Director within an 8 hour period. The Company EHS Director will make this call.

All Company offices are required to notify all employees in writing regarding their rights to access their medical records and results of any monitoring applicable to them.

**Enforcement and Penalties**

OSHA Compliance Officers are authorized to recommend citations based upon inspection findings which indicate non-compliance with OSHA regulations. The citation must be prominently displayed at or near the place of the alleged violation for 3 working days, or until it is corrected.

Penalties are assessed based upon the severity of the hazard, the intent of the employer to maintain an effective H&S program, and the extent of the employer's H&S program.

**Posting and Recordkeeping Requirements**

A state or federal poster which explains the protection and obligations of employees under OSHA must be prominently displayed in the workplace. States having approved plans require the state poster to be displayed.

The OSHA 300 Log for the office's previous year's injury/illness experience must be posted the following February 1st to April 30th. Each office is also required to maintain a historical file for OSHA 300 logs for the previous 5 years.

OSHA 300 logs must be kept up to date as accidents or injuries occur. Not every injury or illness occurring in the workplace is recordable. Definitions on the back of the OSHA No. 300 form explain how to determine which cases must be recorded and the posting requirements. For every OSHA recordable injury or illness, it is necessary to complete additional information requested on the OSHA No. 301 form. Workers compensation, insurance, or other accident/injury reports are acceptable if they contain the same required content as on the OSHA No. 301 form. The entry of the necessary information for the recordable accident/injury on the OSHA 300 Log and Individual Supplemental Report (OSHA No. 301) must be completed within six working days of an injury or illness case.

All records must be retained a minimum of five years, after the year to which they relate, unless approved state plans required longer retention.

 **ATTACHMENT 3**

 **OSHA NOTIFICATION**

 **EMPLOYEE INFORMATION**

 **OSHA COMPLIANCE**

**NOTIFICATION ON EMPLOYEE INFORMATION**

OSHA Regulation 29 CFR 1910.20 "Access to Employee Exposure and Medical Records" requires that employees exposed to toxic substances or harmful physical agents be informed annually of their ability to access chemical/physical agent exposure and medical records. Since there are chemicals in use on site and understanding that noise is a concern at many Company locations, employees should be aware of the following information:

1. **MEDICAL RECORDS**
2. Each Employee's medical records are available upon request to the employee or his/her designated representative with the employee's written consent.
3. The Company is responsible for maintaining and providing access to these records.
4. Medical records can be obtained through the designated local medical provider or can be accessed by contacting the Company Benefits Department.
5. **EMPLOYEE EXPOSURE RECORDS**
6. Environmental Health & Safety (EHS) Coordinators are responsible for maintaining and providing access to these records
7. Employee exposure records regarding measurement of toxic substances and physical agent exposures are maintained by the EHS Coordinator at each Company location. Toxic substances and physical agents are defined as chemical substances, biological agents, and physical stresses including noise, heat, cold vibration, repetitive motion, and ionizing and non-ionizing radiation. Such information does not exist for all employees, but when it does, it can be obtained from the local EHS Coordinator.
8. Each employee, or his/her designated representative with the employee's written consent, may have access to relevant records of the employee's past or present exposure to toxic substances or harmful physical agents, exposure records of other employees with past or present job duties or working conditions related to or similar to those of the employee, records containing exposure information concerning the employee's workplace or working conditions, and exposure records pertaining to work places or working conditions to which the employee is being assigned or transferred.
9. **OSHA STANDARD 29 CFR 1910.20**

A copy of OSHA standard titled, "Access to Employee Exposure and Medical Records" is available from your designated the EHS Coordinator.

 **ATTACHMENT 4**

 **OSHA INSPECTION TIPS**

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| --- |
| **OSHA INSPECTION TIPS(CONFIDENTIAL)**◼ Identify the Compliance Officer/Compliance Officer. Ask to see credentials. Request a business card. Write down the relevant information, including the Compliance Officer's name, agency affiliation, address, telephone number and the reason why the inspection is being conducted. Determine the scope of the inspection. Find out what areas are of interest or concern and the reason for the inspection. Determine what triggered the inspection. If a complaint initiated the inspection, obtain a copy of the complaint form from the Compliance Officer.◼ Notify the lead line manager at your facility. The line manager will notify the EHS Director and the next level manager or executive **immediately**.◼ Take notes on: A. What is said B. What is seen C. Who spoke to whom D. Any sample of copies taken E. Any corrective actions done in the Compliance Officer's presence F. Any activity, including where, when, who, and what G. Any other occurrence, even if minor(These notes are for the Law Department, are confidential and should be labeled as such).◼ When in doubt on any question, **do not bluff an answer**. Never lie or fabricate an answer. Say “I do not know, but I can check into that.” ◼ If the Compliance Officer takes pictures, make note of what is photographed, where in the facility the photo is taken and any comments offered for each snapshot. If at all possible take duplicate photos. If OSHA’s photo does not fairly reflect the condition take additional photos to provide perspective. If a photo would disclose confidential or proprietary information alert the investigator so they can take special precautions to protect Company information.◼ Video recordings are treated the same as photographs. If OSHA takes a video, management should take a parallel video. CAUTION: OSHA’S VIDEO EQUIPMENT TYPICALLY INCLUDES AUDIO RECORDING. NO ONE, INCLUDING EMPLOYEES, SHOULD BE ALLOWED TO BE RECORDED WHEN SPEAKING WHILE THE VIDEO IS BEING TAKEN. REQUIRE THE COMPLIANCE OFFICER TO INFORM YOU BEFORE THEY START A VIDEO RECORDING AND DO NOT ALLOW QUESTIONING OR COMMENTS TO BE MADE THAT MIGHT BE RECORDED WHILE THE VIDEO IS BEING TAKEN.◼ If asked to do so, provide specific safety programs - but do not provide the “Company’s safety program” or “plan”. This may include your hazard communication program (such as SDS’), employee training, the evacuation plan for the building, or your written program for lockout/tagout (LO/TO). If asked to do this by the Compliance Officer, the review of such documents should be done with the designated person responsible for administration of such programs (ie. the EHS Coordinator for the SDS inventory or the Maintenance Lead for LO/TO).◼ Have your OSHA 300 logs and training files ready for inspection at all times. Make sure the OSHA poster is visible as well as any required state posters.◼ For any employee privately interviewed by OSHA, conduct a debriefing interview with that employee confidentially as soon as practical (same day is highly preferred). Reassure the employee that they are not in trouble, that the Company is glad they cooperated with OSHA and explain that the Company is doing its own investigation. Ask open ended questions to see what OSHA may have discovered and find out if the employee has safety concerns. Remind the employee to bring safety issues to the attention of management so they can be addressed.  |
| REMEMBER - - DOCUMENTATION IS KEY ! |

**ATTACHMENT 5**

**OSHA INSPECTION TABLE TOP EXERCISE**

**OSHA INSPECTION TABLE TOP EXERCISE**

**Completed by:**

**Date:**

**Location:**

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The following are the advance preparation steps to be taken before OSHA arrives to start an inspection:

1. Designate the Walk-Around Team and assign responsibilities:
* Who will select the team? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Who will be the principal spokesperson for management? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Who will represent affected departments? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Who will attend the Opening/Closing Conferences?
* Who will coordinate with the Law Department?
* Who will be responsible for documents (written programs, OSHA 300 Log, first report of injuries/illnesses, etc.)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Who will take pictures? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Who will provide technical information? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Who will be the liaison with contractors on-site? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* If applicable, who will be the union representative? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Who will be the employee representative? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
1. Ensure that the team is knowledgeable and has access to the following:

(Check items which have been covered)

\_\_\_\_\_ Cell phone w/ camera/Video

\_\_\_\_\_ OSHA 300 Log and Accident Reports

\_\_\_\_\_ Location of Written Programs

\_\_\_\_\_\_ Plant Layout

Not to be shared with the OSHA inspector unless we receive a written request and release of such documents are authorized by the Law Department.

\_\_\_\_\_ Process Flow Charts

\_\_\_\_\_ Safety Programs

\_\_\_\_\_ Training Logs

\_\_\_\_\_ First Aid Logs

1. Train the team:

(Check items once completed)

\_\_\_\_\_ On OSHA inspection procedures (OSHA video)

\_\_\_\_\_ Policy on EHS Regulatory Inspections

\_\_\_\_\_ Basics of the required written performance standards programs.

1. Cover the concept of things that may be in “plain view” (i.e., readily visible or accessible to the Compliance Officer (CO) during the inspection:

(Place checkmark once completed)

\_\_\_\_\_ Decide what your travel plan will be within the facility with the CO

Instruct the receptionist:

(Check items once covered)

\_\_\_\_\_ When CO arrives, inform someone assigned to the “walk-around team”.

\_\_\_\_\_ Do not let the CO enter the plant. Hold the CO in the reception area until the “walk-around team” arrives.

If the CO is to go to an office to wait for the “walk-around team”, escort the CO by a route from which no or few work areas can be viewed.

During the CO’s walk-around, the inspector must be accompanied by at least 2 members of management. The Team Lead is responsible for deciding the walk-around route and should limit the route to the scope of the inspection. Depending upon the circumstances and the layout of your facility, if the CO states they are there to investigate a complaint in the cold storage warehouse (which could be at the rear of your property), the local team may decide to exit the facility out the front door and walk around the facility and enter the cold warehouse from the back door.

Name of Receptionist(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of Training: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Brief management about the following: Team Lead/Walk-Around Team will:

(Check items once completed)

\_\_\_\_\_ Get a copy of the CO’s credentials.

\_\_\_\_\_ Define scope of inspection and get a copy of any complaint.

\_\_\_\_\_ Ensure that Company EHS Director and Group VP as well as Law Dept. are notified ASAP.

\_\_\_\_\_ A union representative has the right to be present during the facility tour and Closing Conference.

\_\_\_\_\_ Avoid taking the inspector through other areas of activity that do not involve activities of interest to the inspection.

\_\_\_\_\_ Take careful notes of the areas and conditions inspected and matters of interest to the inspector. Correct any issues identified by CO that obviously need to be corrected immediately. Act with urgency and notify the CO if any issues identified have been corrected while the CO is on site.

\_\_\_\_\_ Take duplicate photos of whatever issue or alleged hazard condition that is being photographed by the inspector.

\_\_\_\_\_ CO may view conditions as they exist that day; no obligation to start equipment that is not in operation

\_\_\_\_\_ CO has the right to interview employees. Employees have the right to have their Union Steward and/or management present; and are not required to be recorded or prepare or sign a written statement. If the CO wants to interview any line managers, the Company has the right to have other management and/or legal counsel present. Line managers should refuse to be recorded and should not sign anything unless Law Dept. approves it.

\_\_\_\_\_ Give no documents to the CO. Beware of documents in plain view.

\_\_\_\_\_ Put all documents away that are not being used.

\_\_\_\_\_ Request for documents should be directed to the head of the walk-around team, who should ask for the request in writing. If verbally requested, the facility’s OSHA log will be provided at the time of the inspection.

\_\_\_\_\_ Answer questions truthfully. When in doubt on any question, do not bluff an answer. Never lie or fabricate an answer. Say “I do not know, but I can check into that.”

\_\_\_\_\_ Volunteer no information unless it is necessary to clarify a process or Company practice.

\_\_\_\_\_ Give the CO only the facts.

\_\_\_\_\_ The lead line manager shall request receipts for all samples, documents photocopied by the Compliance Officer and, if created during the inspection, a copy of the inspector’s photo log.

\_\_\_\_\_ Once completed, ensure that the Post-inspection Checklist is circulated to the Company EHS Director and Group VP as well as the Law Dept.

**\*\*If at any time persons accompanying the CO are asked about something that they are uncertain about or if they have concerns about the scope of an investigation or issues that arise during the investigation, they should pause the investigation and contact the EHS Director and the Law Department for guidance.\*\***

1. Perform a pre-inspection audit of the following:

\_\_\_\_\_ Confirm that there is an OSHA poster visibly present at all “clock in” stations

\_\_\_\_\_ Current OSHA 300 Log correct and up-to-date in the past 10 days.

\_\_\_\_\_ First report of injuries/illnesses maintained with the current OSHA 300 Log.

\_\_\_\_\_ OSHA logs and OSHA 300A Forms for the past 5 years

\_\_\_\_\_ 100% compliance with OSHA performance standard programs and general industry standards.

\_\_\_\_\_ Compliance with the OSHA Standard for emergency responses and spill clean-up.

\_\_\_\_\_ Safety Programs are current and that illness and injury trends are actively being addressed.

This checklist should be reviewed and updated on an annual basis by the team.

**ATTACHMENT 6**

**POST INSPECTION CHECKLIST**

#####  POST INSPECTION CHECKLIST(PRIVILEGED AND CONFIDENTIAL - FOR LAW DEPARTMENT)

Name of Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Specific Worksite Location(s) Inspected: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lead Manager Involved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Name of Compliance Officer(s)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Agency\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Agency\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Opening conference was held: Yes \_\_\_\_ No \_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Persons attending opening conference

|  |  |  |
| --- | --- | --- |
| **Name (print)** | **Affiliation** | **Phone Number** |
|  |  |  |
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|  |  |  |
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4. Based on the site inspection, the Compliance Officer noted the following concerns:

|  |  |  |
| --- | --- | --- |
| **Exact Location** | **Issue/Concern Raised** | **Comments** |
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5. Closing Conference was held: Yes \_\_\_\_ No \_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. Names of participants in closing conference:

|  |  |
| --- | --- |
| **Name** | **Affiliation** |
|  |  |
|  |  |
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7. Closing Conference Summary

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1. Additional comments:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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This Post Inspection Checklist was prepared by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### PLEASE FORWARD THIS FORM TO THE LAW DEPARTMENT AND EHS DIRECTOR WHEN DONE