

OSHA Inspections

What to Expect & How to Prepare

Navigate the OSHA inspection process and empower your organization with the skills to manage inspections with confidence.

Presented By: Kevin Reynolds

Date: April 10, 2025



IRONWOOD
BUSINESS CONSULTING



Agenda

- **Introduction & Foundation**
- **OSHA Basics & Enforcement Power**
- **OSHA Trends, Triggers & Targets**
- **Reporting & Recordkeeping**
- **OSHA's Focus Area**
- **The OSHA Inspection Process**
- **Documentation, Equipment & Closure**
- **Citations, Abatement & Strategy**

The Speaker

Kevin Reynolds is the President of IRONWOOD Business Consulting, specializing in regulatory compliance and crisis management. With nearly 20 years of experience advising businesses nationwide on OSHA, DOL, and DOT regulations, he helps organizations navigate complex compliance challenges, mitigate risks, and streamline investigations. A graduate of The University of Texas Red McCombs School of Business, Kevin has a strong background in operations, finance, strategic marketing, and business expansion. Since 1995, he has owned and led businesses, leveraging his expertise to drive sustainable growth.

About IRONWOOD

IRONWOOD works with businesses during the most high-stress moments of their organization. From OSHA inspections to EEOC investigations to DOT audits – our consultants help companies weather the storm and safeguard their businesses against any future downpours not yet in the forecast.



Kevin Reynolds





“I am sorry to say, but it is my job to impede commerce.”

- Baton Rouge Area OSHA Officer

“I don’t understand why the employee did this. The employer must have done something here.”

- San Antonio Area OSHA Officer

“I don’t care that everyone in the industry does it that way. The entire industry is wrong, and I am right.”

- Austin Area OSHA Officer

“One option for you would be to essentially demolish your plant and rebuild so as to allow you to do your work under this new method...”

- Houston South Area OSHA Officer



OSHA's Mission and Authority

Workplace Oversight

Responsibility to oversee workplace safety and health across all industries.

Federal Authority

Division of Department of Labor with nationwide jurisdiction.

Enforcement Power

Authority to issue fines and require changes to increase worker safety.

What OSHA Expects From Employers

SEC. 5. Duties

(a) Each employer --(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;



Provide Safe Workplace

Free from recognized hazards that could cause death or serious harm

Examine Conditions

Ensure workplace conditions conform to applicable standards

Maintain Equipment

Provide and properly maintain safe tools and equipment

Establish Procedures

Create and communicate clear safety protocols

Smart vs. Smarter Compliance



Focus on Injury Points

Identify and address high-risk areas first



Low-Hanging Fruit

Fix obvious violations that are easy to remedy



OSHA's Top 10 Citations

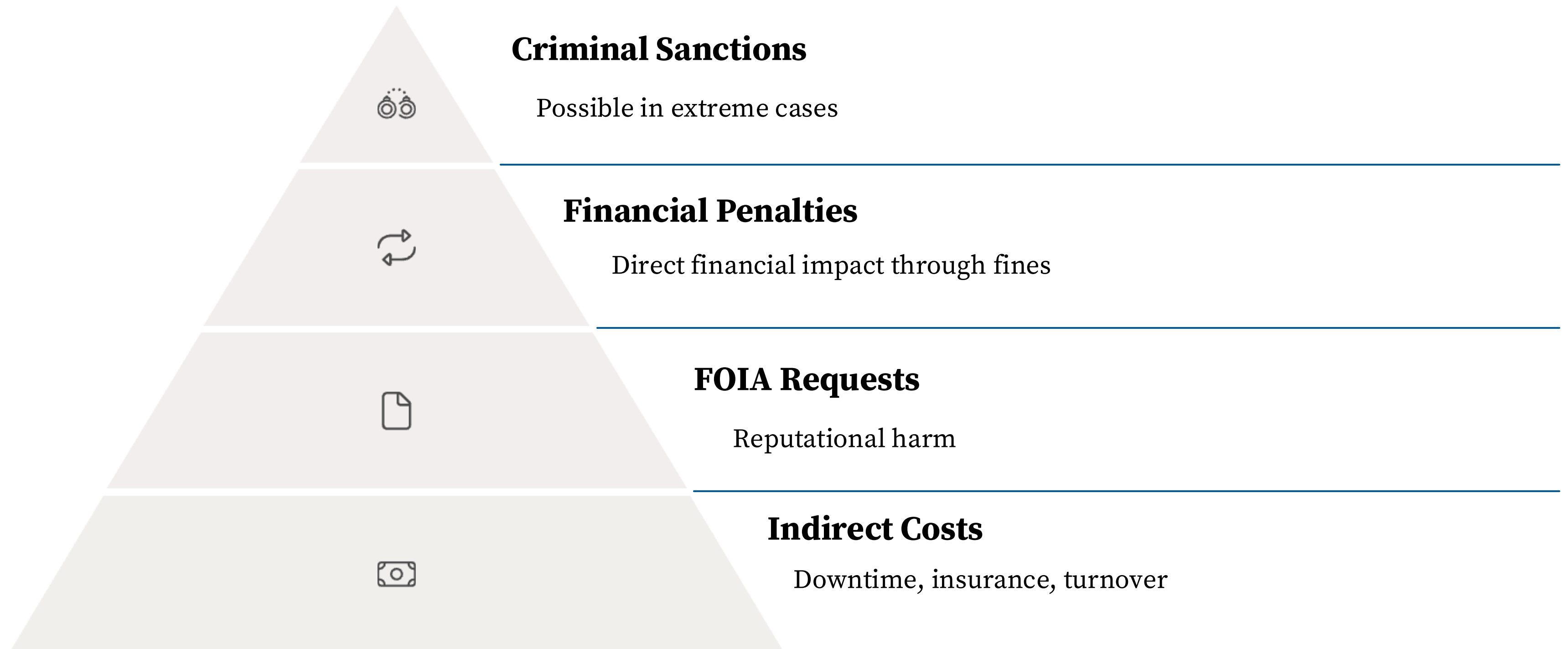
Address the most commonly cited violations



Regulatory Obligations

Understand and fulfill all mandatory requirements

Why OSHA Should Matter To You



Criminal Sanctions Under OSHA

Willful Violations Causing Death

Criminal penalties possible when a willful violation results in an employee's death.

False Statements

Lying to a compliance officer can result in criminal charges.

Advance Notice

Providing unauthorized advance notice of an OSHA inspection is a criminal offense.

Extremely Rare

Criminal prosecutions under OSHA are uncommon but require immediate legal counsel if pursued.



OSHA Penalty Classifications

Other-Than-Serious

A violation with direct relationship to job safety and health, but not serious in nature.

Serious

A violation where the workplace hazard could cause an accident resulting in death or serious physical harm.

Repeated

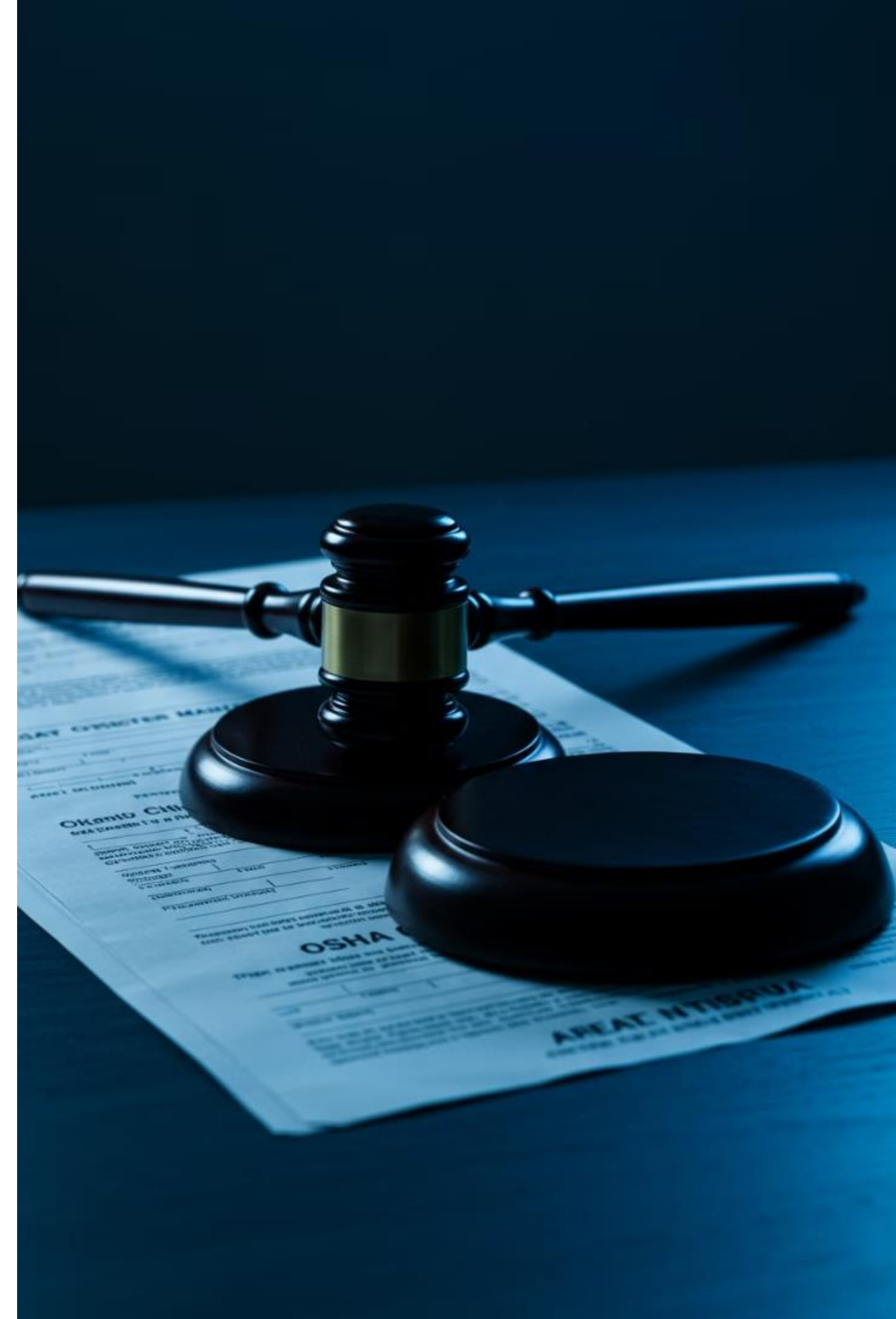
Employer previously cited for the same or similar condition within the past five years.

Willful

Employer knowingly failed to comply or acted with plain indifference to employee safety.

Failure to Abate

Failure to abate" occurs when the employer doesn't address the hazard by that date.



Maximum and Minimum Civil Penalties

January 2025

Type of Violation	Penalty Minimum	Penalty Maximum
Serious	\$1,221** per violation	\$16,550 per violation
Other-Than-Serious	\$0 per violation	\$16,550 per violation
Willful or Repeated	\$11,823* per violation	\$165,514 per violation
Posting Requirements	\$0 per violation	\$16,550 per violation
Failure to Abate	N/A	\$16,550 per day unabated beyond the abatement date [generally limited to 30 days maximum]

The Freedom of Information Act (FOIA)

Public Record: OSHA's investigative file on any inspection will ultimately become a public. Anyone can request a copy. This creates lasting documentation that can be used by plaintiffs' attorneys in future litigation.

What's in the FOIA File?

- OSHA inspector's notes
- Photographs of the workplace
- Witness statements (partially redacted)
- Assessments of employer's good faith
- Evaluations of witnesses' truthfulness
- Preliminary opinions of inspectors



Compliance by Shame



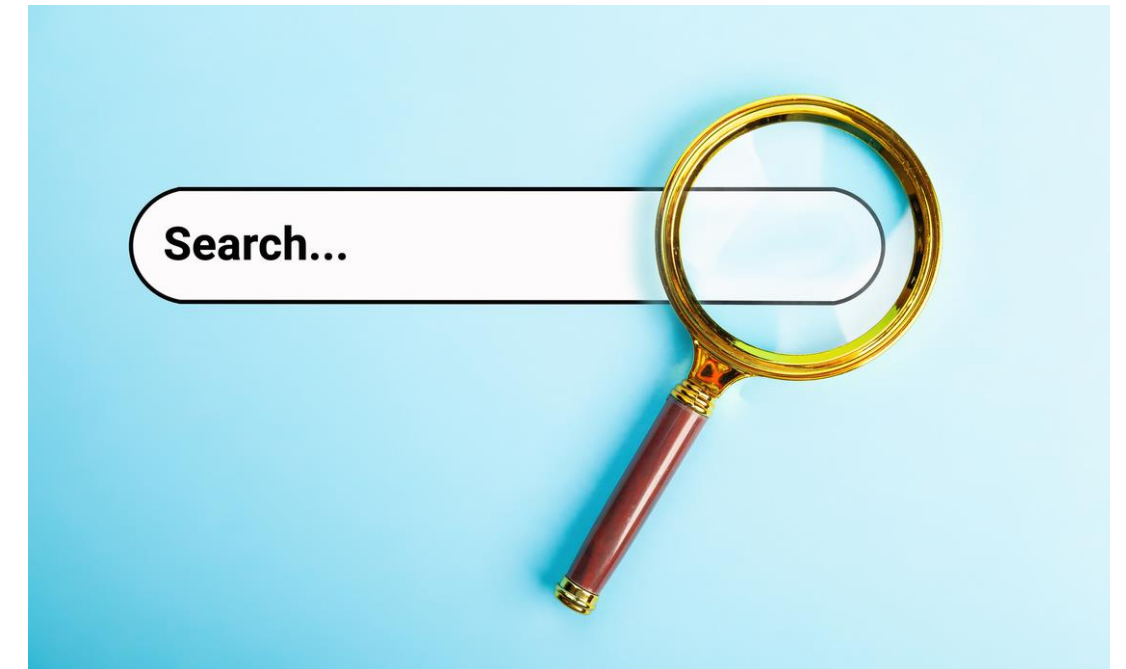
Public Announcements

OSHA regularly issues press releases about significant citations to create deterrent effect.



Media Coverage

Citations often generate negative publicity that can damage company reputation.



Searchable Records

All citations become public record,
accessible to competitors, customers,
and potential employees.



Criminal Conviction

The owner of a Massachusetts construction company was [sentenced to 18 months in prison](#) for tax crimes and making false statements to OSHA inspectors about a workplace fatality.



Willful Disregard for Workers' Lives

A contractor with an extensive history of exposing employees to fall hazards [let roofers work on a residential structure without required fall protections](#).

OSHA fines SeaWorld Orlando after trainer injured during killer whale training

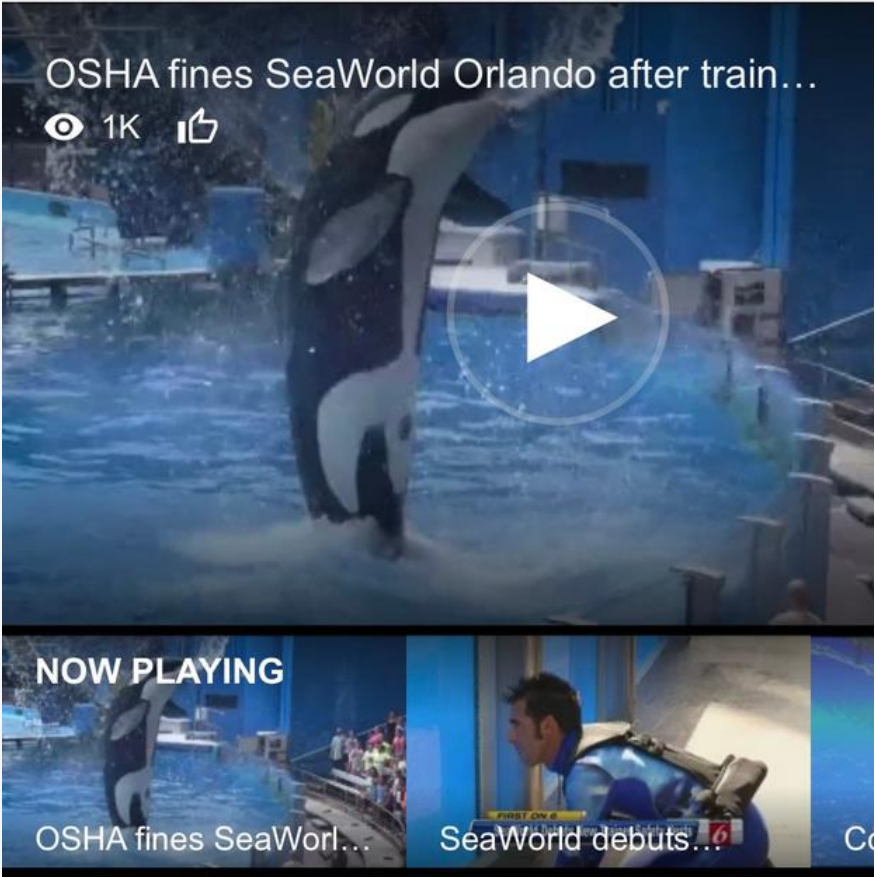
Theme park receives \$16,550 fine

Haley Coomes, Digital Content Producer

Published: **March 24, 2025 at 4:36 PM**

Updated: **March 25, 2025 at 2:09 PM**

Tags: **SeaWorld Orlando, Theme Parks, SeaWorld,**



- maintenance employer could have prevented 24-year-old worker's fatality at Port St. Lucie worksite
- **01/14/2025** - [OSHA Trade Release](#) - US Department of Labor announces adjusted OSHA civil penalty amounts for 2025
 - **01/14/2025** - [OSHA News Release - Philadelphia Region](#) - US Department of Labor cites Pennsylvania soap, detergent maker for failing to protect workers before, during, after July 2024 hazardous chemical release

December 2024

- **12/31/2024** - [OSHA News Brief](#) - Owner of Medford construction company sentenced to 18 months for tax crimes, making false statements to federal government
- **12/31/2024** - [OSHA News Release - Chicago Region](#) - Zion contractor again found ignoring protections to prevent workers from suffering disabling, deadly falls from elevation; faces \$266K in new fines
- **12/27/2024** - [OSHA News Release - Atlanta Region](#) - US Department of Labor finds Louisiana contractor could have prevented 27-year-old worker's drowning at North Carolina worksite
- **12/26/2024** - [OSHA News Release - Boston Region](#) - Department of Labor finds Glenburn contractor ignored repeated warnings, site-specific safety plan in fatal trench collapse at Brownville worksite
- **12/26/2024** - [OSHA News Release - Dallas Region](#) - US Department of Labor investigation finds Frisco contractor ~~again exposing workers to potentially~~



Needless Trenching Tragedy

A worker lost their life in a trench collapse due to a contractor [ignoring safety warnings and their own safety plan](#).

JANUARY 14, 2025

[US Department of Labor cites Pennsylvania soap, detergent maker for failing to protect workers before, during, after July 2024 hazardous chemical release](#)

CHAMBERSBURG, PA – A Chambersburg soap and detergent manufacturer faces \$161,310 in federal penalties after a U.S. Department of Labor investigation of a chemical gas release that sent a dozen workers to the hospital in July 2024.

JANUARY 7, 2025

[US Department of Labor announces new members selected to National Advisory Committee on Occupational Safety and Health](#)

WASHINGTON – The U.S. Department of Labor today announced the appointment of four new members to serve on the National Advisory Committee on Occupational Safety and Health.

Top OSHA Violations

Category	Violations	Pitfalls	Prevention Measures
Fall Protection – General Requirements (1926.501)	6.307	Improper use Lack of guardrails Unprotected	Use harnesses Label all containers Conduct regular training
Hazard Communication (1910.1200)	2.888	Lack of program Missing safety data sheets	Maintain SDS Label all containers Conduct regular training
Ladders (1926.1053)	2.573	Improper use Incorrect ladder for job	Use appropriate ladders Conduct regular inspections Train on proper use
Respiratory Protection (1910.147)	2.443	Improper fit inadequate seal check	Implement lockout/tagout Train employees Use proper lockout devices
Powered Industrial Trucks (1910.179)	2.050	Inadequate training Lack of hands-on practice	Provide comprehensive training Require demonstration of skills

Top Violations of 2024

Fall Protection – Training Requirements (1926.503)	1.873	Inadequate training Lack of guardrails	Follow standards Use stable platforms Install guardrails
Scaffolding (1926.451)	1.873	Improper setup Lack of guardrails Unstable placement	Follow standards Use stable platforms Install guardrails
Personal Protective and Lifesaving Equipment – Eye and Face Protection (1926.102)	1.814	Not used Improper type Lack of availability	Provide adequate supply Train on selection and use Ensure accessibility
Machine Guarding (1910.212)	1.541	Missing guards Inadequate maintenance Lack of safety checks	Install guards Perform regular maintenance Conduct routine safety audits

Examples of Top Fines from 2024

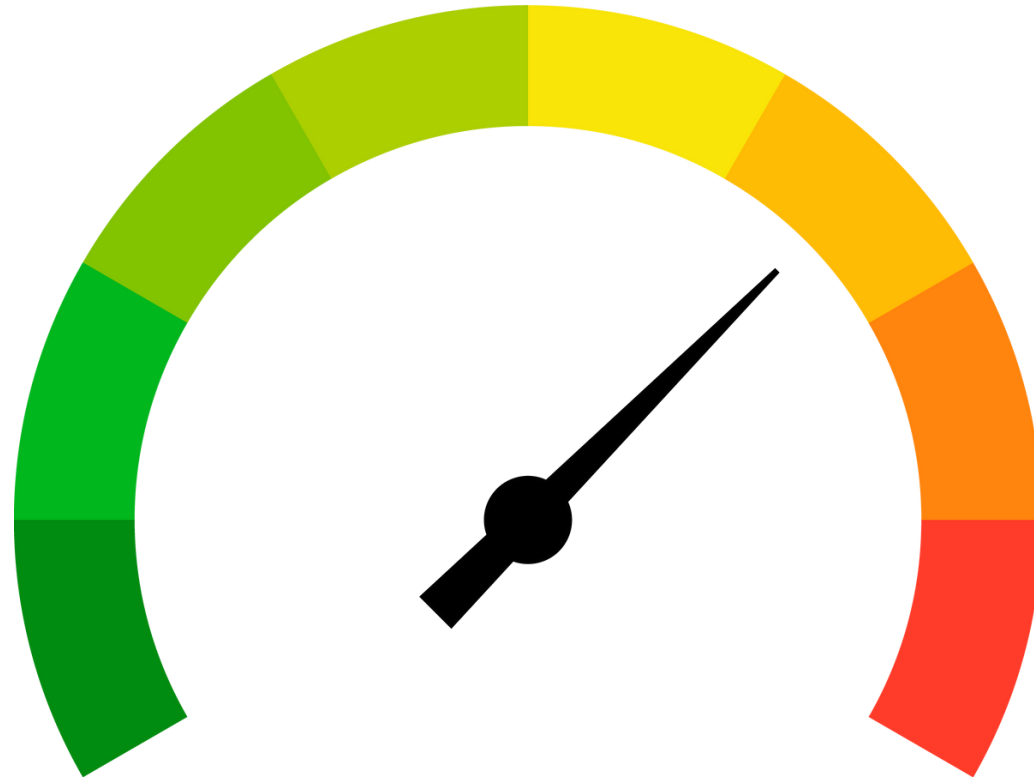
Reyes/Corner Construction Corp. faced fines totaling \$266,175 due to repeated violations over failing to provide fall protection and unsafe use of ladders at a worksite in Glencoe, Illinois.

Masci General Contractor Inc., a sewer line contractor based in Port Orange, Florida, was fined \$216,633 for willfully endangering workers by not providing essential cave-in protection while installing a sewer line in a trench in Daytona Beach, Florida.

K T Carter Contracting Inc. received initial fines of \$146,803 for having workers in a 12-foot-deep trench without cave-in protection in Jacksonville, Florida. They later reached an informal settlement reducing the fines to \$95,000.

Patriot Paving Group was initially fined \$161,325 after an incident where a retaining wall collapsed and resulted in a worker's death in Brownville, Maine. They settled formally for \$57,600.

Inspection Priorities



Imminent Danger

Situations where death or serious harm could occur immediately

Severe Injuries or Illnesses

Cases requiring hospitalization, amputations, or fatalities

Worker Complaints

Formal allegations of workplace hazards or violations

Referrals

From other agencies (EPA, Fire Marshal, etc.)

Targeted Inspections

Focus on high-hazard industries or specific workplace issues

Follow Up

For previous citations

OSHA Inspection Statistics 2018- 2023

OSHA Inspection Statistics	FY 2018	FY 2019	FY 2020*	FY 2021*	FY 2022	FY 2023
Total Inspections	32,023	33,393	21,710	24,333	31,820	34,221
Total Programmed Inspections	13,956	14,900	8,729	10,584	14,081	15,844
Total Unprogrammed Inspections	18,067	18,493	12,981	13,749	17,739	18,377
~ Fatality/Catastrophe Inspections	941	919	1,498	1,386	1,119	952
~ Complaints Inspection	7,489	7,391	4,592	4,955	6,789	8,221
~ Referrals	6,463	6,718	4,810	5,310	6,091	6,419
~ Other Unprogrammed Inspections	3,174	3,465	2,081	2,098	3,740	2,785

*This period represents the height of the COVID-19 pandemic.

2025 Inspection Stats

Total Inspections

17,878

*Opened 1/1/2025 to
4/1/2025

Q1
Nationwide
Total Inspections

218

*Opened 1/2/2025 to
3/28/2025

Q1
Colorado

Q1 Colorado By Industry

☐ Colorado	218	78.45	0.09%	12.0%
Manufacturing	67	24.11		
Construction	61	21.95		
Other Services (except Public Administration)	34	12.24		
Wholesale Trade	14	5.04		
Transportation and Warehousing	8	2.88		
Retail Trade	6	2.16		
Agriculture, Forestry, Fishing and Hunting	4	1.44		
Mining, Quarrying, and Oil and Gas Extraction	4	1.44		
Accommodation and Food Services	3	1.08		
Administrative, Support, Waste Management, and Remediation	3	1.08		
Arts, Entertainment, and Recreation	3	1.08		
Health Care and Social Assistance	3	1.08		
Real Estate	3	1.08		
Professional, Scientific, and Technical Services	2	0.72		
Public Administration	2	0.72		
Utilities	1	0.36		
Total	218	78.45	0.09%	12.0%

Reasons OSHA May Visit Your Workplace

- A worker calls in a formal complaint
- A serious injury or fatality is reported
- Your company appears on OSHA's emphasis program list
- A local or national emphasis program targets your industry
- Your incident rate is higher than your peers
- A referral from media or another agency
- A follow-up inspection after a previous citation
- Random selection from a targeting database





Handling Employee Complaints

Top Causes of Complaints:

Unaddressed hazards, lack of PPE, unsafe procedures

Before a Complaint:

- Empower employees to report concerns internally
- Follow up and document resolution
- Use toolbox talks and hazard walk-throughs

If Complaint is Filed:

- Stay calm
- Review your logs and programs
- Prepare for a possible inspection



What Happens When Employee Files a Complaint

The Process

1. Complaint Submitted
2. OSHA screens the complaint
3. OSHA screens the complaint (informal)
4. Inspection is initiated
5. Follow-up and outcome

Anti-Retaliation

- Section 11(c) of the OSH Act
- Retaliation is illegal
- Complaints must be filed within 30 days of retaliation

- Filed online, by phone, fax, mail, or in-person
- Can be anonymous or signed
- Signed (formal) complaints often lead to inspections

- OSHA sends complaint summary to employer
- Employer must respond in writing within 5 business days
- OSHA reviews response and may escalate to inspection

- Complainant receives results summary
- Employer may receive citations and must post them
- Hazards must be corrected by set abatement date

FILING A WORKPLACE COMPLAINT

CHOOSING THE RIGHT ONE

	Safety and Health Complaint	Whistleblower Complaint
File your complaint online, by phone or letter	✓	✓
Submit your oral or written complaint in any language	✓	✓
File your complaint anonymously	✓	✗
Allow someone to file for you	✓	✓
Report unsafe or unhealthy conditions	✓	✗
Report retaliation or threats for raising a safety or health concern	✗	✓
Provide the employer's name, address, and contact information	✓	✓
Filing deadline	< 6 months*	30-180 days**

* OSHA cannot issue citations for violations that occurred more than six months prior

** Deadline varies with each statute

For more information, visit [osha.gov/workers](https://www.osha.gov/workers) or [whistleblowers.gov](https://www.whistleblowers.gov).

High Risk Industry Snapshot

Construction:

Fall protection, scaffolding, trenching, PPE

Manufacturing:

Machine guarding, LOTO, hazard communication

Warehousing & Logistics:

Powered industrial trucks, ergonomic risk, slips/trips

Healthcare:

Bloodborne pathogens, workplace violence, respiratory protection

Hospitality:

Chemical exposure, housekeeping ergonomics, emergency exits



Some OSHA Terminology



OSHA 300 Log	The log of work-related injuries and illnesses that must be maintained by certain employers.
Abatement Verification	Documentation submitted to OSHA to confirm that a cited hazard has been corrected.
Notice of Contest	A formal, legal challenge by an employer to an OSHA citation or penalty, filed within 15 business days.
Informal Conference	A voluntary meeting with OSHA to discuss citations and potentially negotiate a settlement.
Written Program	A formal, documented safety policy required for topics like hazard communication, PPE, or lockout/tagout.
Failure to Abate	A continued violation after the abatement date has passed.



Recordable

Documented on OSHA logs



Reportable

Must be called into OSHA

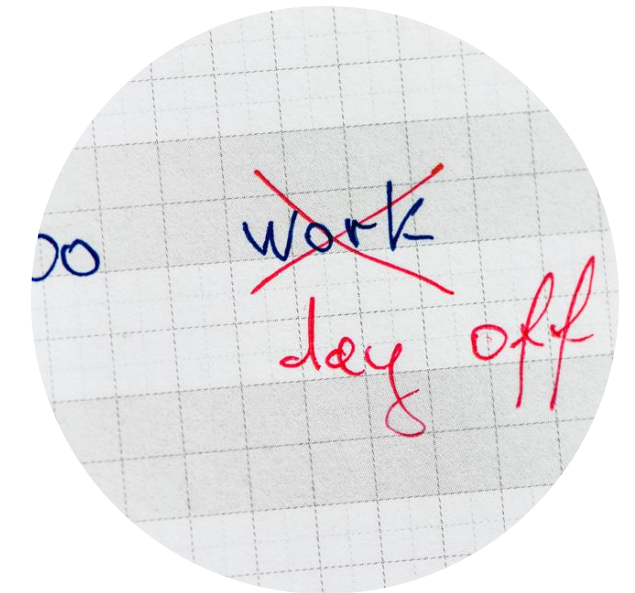
What Makes an Incident Recordable:

Medical Treatment Beyond First Aid: If the medical treatment is more than basic first aid, it's recordable.

Lost Work Days: Any injury or illness that results in days away from work, restricted work, or transfer to another job.

Significant Injuries or Illnesses: Diagnosed by a physician or licensed healthcare professional, even if it does not result in death, days away from work, job restriction, or transfer.

Special Cases: Certain cases like needlestick injuries, medical removal, hearing loss, tuberculosis, and work-related COVID-19 under certain conditions.



What Qualifies as Reportable Incidents

Reportable incidents are severe injuries or illnesses that must be reported directly to OSHA within specific timeframes.

Inpatient Hospitalization

Formal admission to inpatient service for care or treatment. Excludes observation or diagnostic testing only.

Fatality

Fatality must be work-related and occur within 30 days

Amputation

Traumatic loss of limb or body part, including partial amputations and fingertip amputations with or without bone loss.

Loss of Eye

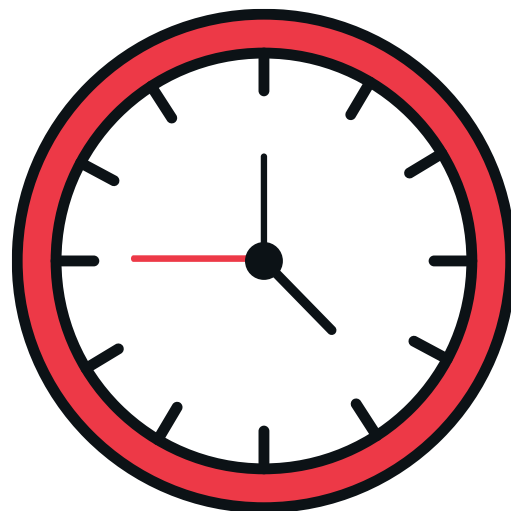
Physical removal or traumatic loss of an eye, not just impaired vision.

Reporting Deadlines

8

Hours

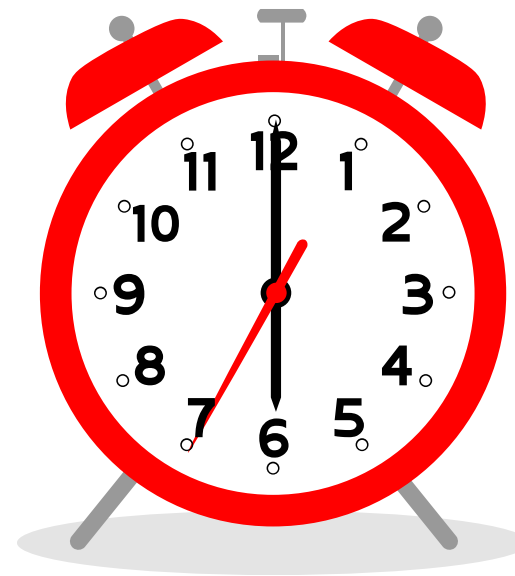
To report a fatality (from the time employer learns of the incident) - also 3 or more hospitalizations



24

Hours

To report hospitalization, amputation, or eye loss



30

Days

Fatalities only reportable if they occur within this timeframe after the incident



To Report or To Record?

	Incident Type	Recordable?	Reportable to OSHA?	Notes
1	Slip and fall resulting in stitches	Yes	No	Requires stitches—recordable injury.
2	Minor burn treated with first aid only	No	No	First aid only—neither recordable nor reportable.
3	Fractured arm from equipment malfunction	Yes	No	Fracture is a serious injury—recordable, not reportable.
4	Employee faints with no hospitalization	Yes	No	Loss of consciousness—recordable but not reportable.
5	Chemical exposure requiring ER visit but no admission	Yes	No	ER visit with no admission—recordable only.
6	Laceration requiring stitches and restricted duty	Yes	No	Restricted duty makes it recordable.
7	Fatal fall from scaffolding	Yes	Yes (within 8 hours)	Fatalities are always reportable within 8 hours.
8	Amputation of a fingertip	Yes	Yes (within 24 hours)	Amputations are reportable within 24 hours.
9	Employee receives CPR after collapse at work	Yes	Yes (within 24 hours)	In-patient hospitalization triggers reporting.
10	Sprain treated with over-the-counter medication	No	No	OTC meds do not make it recordable.



Reporting Exemptions



Motor Vehicle Accidents

Incidents on public streets or highways (except in construction work zones).



Time Limitations

Incidents occurring beyond the reporting timeframes (30 days for fatalities, 24 hours for others).



Public Transportation

Accidents on commercial or public transportation systems.

How to Report an Incident to OSHA



Call Local Office

Contact nearest OSHA Area Office during business hours



Call 24-Hour Hotline

[1-800-321-OSHA](https://www.osha-slc.gov) (6742)



Electronic Reporting

Submit through OSHA website (when available)



What To Say When You Call



Company Information

Establishment name
and contact person
with phone number.

Incident Details

Location and time of
the work-related
incident.

Event Classification

Type of reportable
event and number of
affected employees.

Employee Information

Names of employees
who suffered the
event.

Brief Description

Concise explanation
of what happened.

OSHA's Targeted Inspection Areas: Trenching



Unprotected Trenches

OSHA inspectors are required to stop and inspect any trenching operation they observe.



Proper Protection

Trenches must be protected by sloping, benching, shoring, or shielding with trench boxes.



Safety Requirements

Includes ladders for access/exit, keeping equipment and spoil piles back from edges.

OSHA's Targeted Areas: Machine Guarding

High Priority for Inspectors

Machine guarding violations are among OSHA's most frequently cited issues, especially in manufacturing environments.

Even without injuries, inadequate machine guarding can result in significant citations and penalties.

Key violations related to equipment include:

- Inadequate machine guarding
- Unguarded belts, pulleys, and rotating parts
- Disabled safety interlocks or emergency stops
- Lack of lockout/tagout protocols during maintenance

Checklist Callout:

- Are guards installed and functional?
- Are LOTO procedures documented and followed?
- Do employees have required certifications for usage?



A Case Study on “Guarding” Citation

OSHA issues citation for “repeat” offense on machine guarding.

- No injury.
- No report of injury.
- OSHA showed up at wrong address, asks my client:
“So what type of place is this?” (machine shop)
- Then OSHA says:
“Hey, while I’m here, can I look around?”
- Client consents.
- OSHA finds alleged guarding violation on one machine out of dozens of machines in the shop, issues “repeat” off of a 4 year 9 month old violation.





OSHA's Targeted Areas: Noise and Hearing

Exposure Monitoring

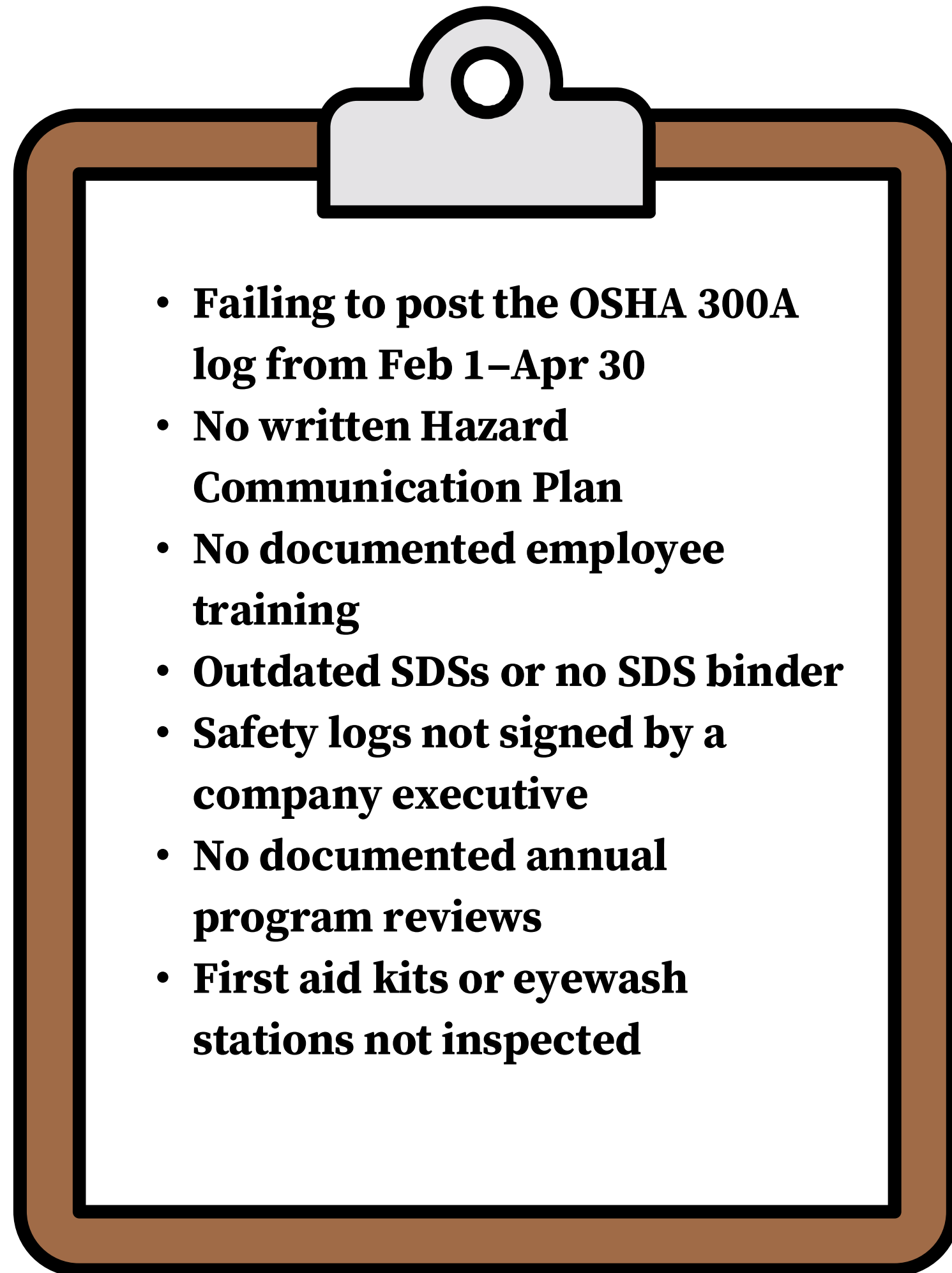
OSHA requires monitoring when noise levels may exceed 85 decibels averaged over 8 hours.

Hearing Conservation

Programs required when exposures reach or exceed 85 decibels, including testing and protection.

Engineering Controls

Employers must implement feasible engineering controls before relying on hearing protection.



OSHA's Most Common Paper Cuts

The Easy-to-Fix Mistakes That Cost Thousands

These aren't equipment failures—they're documentation gaps. Fixing them is fast, cheap, and impactful.

Pre-Inspection Preparation: Before the Knock

Post Required Notices

Display official OSHA posters in employee areas

Regular Housekeeping

Perform routine cleaning and organization



Update Documentation

Maintain current OSHA logs and safety programs

Designate Personnel

Appoint safety officer responsible for compliance

The First 24 Hours of an OSHA Inspection

OSHA will begin with the opening conference.

- **Be polite and treat as non-adversarial.**
- **Ask why OSHA is there (NEP, referral, complaint)**
- **Get a copy of the complaint.**
- **Request credentials from OSHA investigator.**
- **Contact company OSH officer- you want that person present.**
- **Limit communication with OSHA until company OSH officer or company attorney arrives.**
- **Point out any trade secrets (including photos and video).**
- **Call counsel**

**NEVER LEAVE THE INSPECTOR
UNATTENDED. OSHA DOESN'T
GO ON SELF-GUIDED TOURS.**

The Inspection Process



Presenting Credentials



Opening Conference



Walk Around



Closing Conference

**You may not know they're coming,
but you can know exactly what to do when they arrive**



During the Inspection: Best Practices



Professional Cooperation

Be courteous and helpful without volunteering unnecessary information.



Constant Accompaniment

Never leave the inspector unaccompanied during the walkthrough.



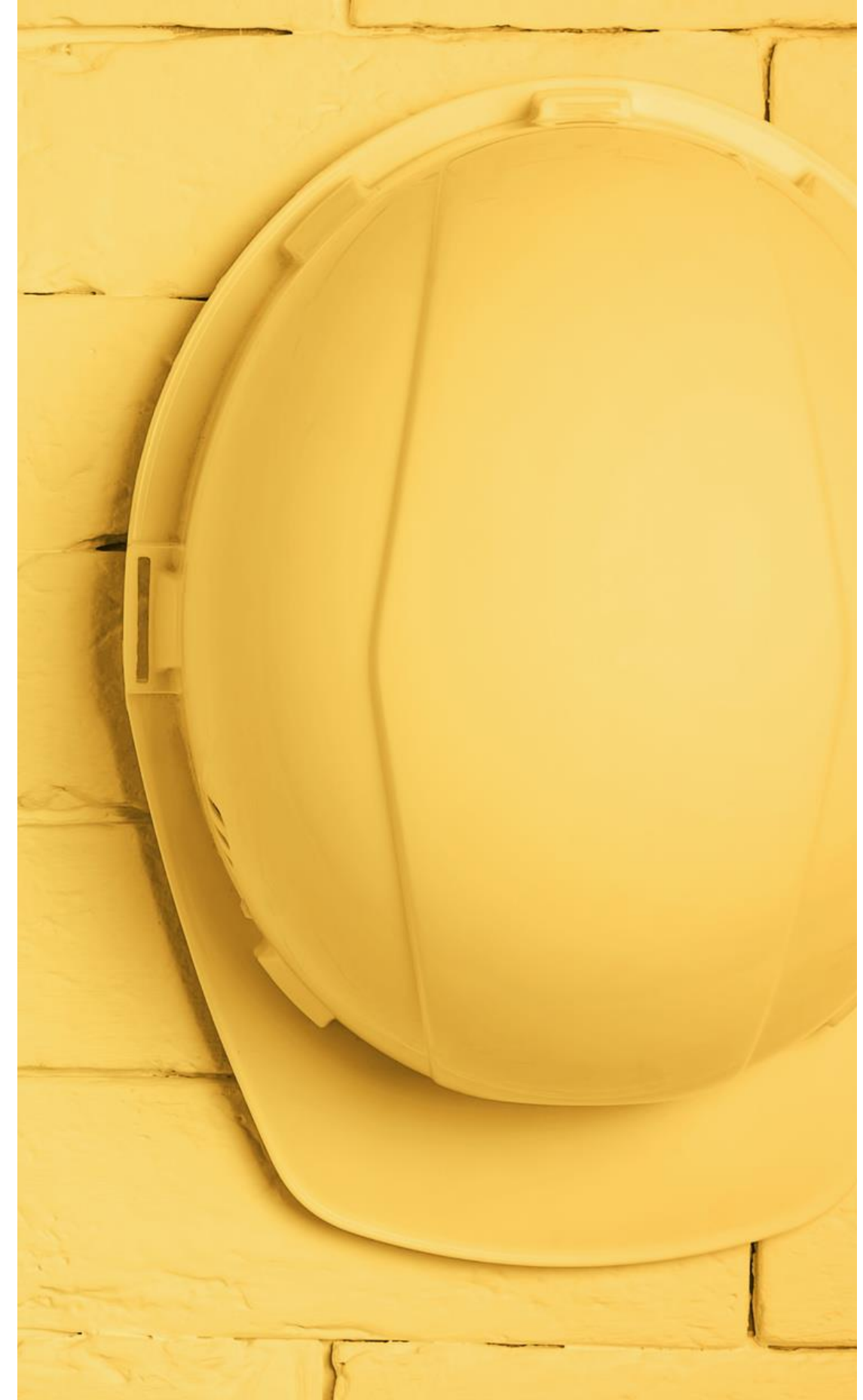
Detailed Documentation

Take notes and photos identical to those taken by the inspector.



Clear Communication

Answer questions directly with facts, avoid speculation or guessing.



Your behavior during the inspection can significantly impact the outcome. Be prepared, professional, and precise.

A man and a woman, both wearing high-visibility yellow safety vests with "OSHA" printed on them, are standing in a large industrial facility. The man is holding a clipboard and writing, while the woman is also holding a clipboard and looking at it. They are both wearing hard hats. The background shows blue structural beams and yellow overhead cranes.

The OSHA Walk-Around Inspection



Consider Pausing Work

If possible, stop operations in the area to be inspected.



Accompany Inspector

Employer representative has right to join the compliance officer.



Document Everything

Take identical photos and measurements as the inspector.



Immediate Corrections

When possible, fix and document hazards identified during inspection.

Walk-Around Best Practices

Maintain Honesty

Never lie to OSHA inspectors. Dishonesty can lead to criminal penalties and damages credibility.

Limit Commentary

Remember that casual comments will be documented. Stay in "receive mode" rather than "transmit mode."

Avoid Speculation

Don't guess or offer opinions about conditions or causes. Stick to facts you know with certainty.

Consider Escort Options

It may be beneficial to have a non-managerial employee or the company lawyer escort.



OSHA Employee Interviews: What To Expect

Rank and File Employees

- OSHA has the right to privately interview employees
- Interviews may occur during the walkaround or scheduled separately
- Employees can request a union or coworker representative if desired
- Clarify to Employees:
 - They are not required to guess
 - They should speak truthfully and factually
 - They are legally protected from retaliation
 - OSHA will sometimes engage in outcome oriented investigation i.e. leading the witness to a particular conclusion
 - OSHA can conduct 2 investigator on 1 employee interview





Questions OSHA Might Ask

- **Do you know how to report a safety concern or injury?**
- **What would you do if you saw something unsafe?**
- **Do you feel comfortable reporting safety issues to your supervisor?**
- **When did you last receive safety training?**
- **Have you been trained to operate this equipment?**
- **What do you do if a machine malfunctions?**
- **Have you ever reported an injury here?**
- **What happened when you reported it?**
- **Did your supervisor fill out any forms or ask you to change your story?**
- **Were you disciplined or treated differently after reporting something?**
- **Do supervisors correct unsafe behavior when they see it?**
- **Have you ever been asked to work in unsafe conditions?**
- **Were you ever told not to talk to OSHA?**

Understanding OSHA ‘Statements’

- OSHA may ask workers to sign “witness statements” written or typed by the compliance officer.
- These are often written in the first person on OSHA letterhead, beginning with statements like: “I was near the scaffold when I saw...”
- Employees are **not** required to sign these statements under pressure.

Tell your employees: your words are your words; OSHA’s notes are OSHA’s notes. Signing their version locks in the narrative.

Statement Pressure Tactics to Watch

- “Why won’t you sign this?”
- “Did a lawyer tell you not to sign this?”
- “Did the company tell you not to sign this?”
- “What are you hiding?”
- “This man has a grieving widow and four kids...”



This language is emotional leverage — prepare your team for it.

Know Your "Criminal Rights"

Intimidation Tactic

OSHA may present witnesses with a document about criminal penalties for lying to federal officers.

No Signature Required

Employees are not required to sign this document, despite pressure from inspectors.

Legal Implications

Signing could unnecessarily elevate the seriousness of the interview and create anxiety.

EMERGENCY TEMPORARY STANDARD

1 of 1

FACT SHEET

Information for Employees on Penalties for False Statements and Records

Occupational Safety and Health Administration

The COVID-19 Emergency Temporary Standard (ETS) on Vaccination and Testing (29 CFR 1910.501) requires employers to inform each employee of the prohibitions of 18 U.S.C. § 1001 and of Section 17(g) of the Occupational Safety and Health (OSH) Act, which provide for criminal penalties associated with knowingly supplying false statements or documentation (29 CFR 1910.501(j)(4)). Employers may use this fact sheet to provide the required information to employees, with translations as necessary to ensure the information is provided in a language or languages the employees understand.

OSHA standards are promulgated under the authority granted by the OSH Act. The OSH Act recognizes that OSHA’s ability to protect workers’ safety and health hinges on truthful reporting. For that reason, Section 17(g) of the OSH Act, 29 U.S.C. § 666(g), provides:

Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

Section 1001 in Title 18 of the United States Code (*Crimes and Criminal Procedure*) also provides for criminal penalties associated with knowingly supplying false statements or documentation. The provision at 18 U.S.C. § 1001(a) states in relevant part:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully

- 1. falsifies, conceals, or covers up by any trick, scheme, or device a material fact;**
- 2. makes any materially false, fictitious, or fraudulent statement or representation; or**
- 3. makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;**

shall be fined under this title or imprisoned not more than 5 years.

False statements or documents made or submitted for purposes of complying with policies required by OSHA’s Vaccination and Testing ETS could fall under either or both of these statutory provisions.

The effectiveness of the protections afforded by OSHA’s Vaccination and Testing ETS relies on employees providing truthful and accurate information, including, where applicable, proof of vaccination status and COVID-19 test results, to their employers, and on their employers maintaining accurate records of vaccination status and testing results. If OSHA discovers that false statements or documents have been made or submitted, it will consider referrals to the US Department of Justice for criminal prosecution in appropriate cases.

This Fact Sheet is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this Fact Sheet is not itself a standard or regulation, and it creates no new legal obligations.

Manager Interviews

- Managerial employees are those whose statements can bind the company.
- Managers may request a company rep or attorney to be present.
- Includes anyone with authority to hire and fire
- Should be prepared like for a deposition
- Role of counsel: Clarify vague or misleading questions and ensure understanding.

“OSHA investigators are not lawyers — they can lead, speculate, or confuse. You are allowed to protect your answers.”

Post-Interview Guidance

Employers must not pressure employees to discuss their OSHA interview.

Be very careful. The employee can refuse to talk to you regarding the OSHA interview. Do not pressure the employee.

Employer may not discharge employee for filing a complaint, testifying, or exercising any other right during the inspection. Section 11(C).



Whistleblower Protection Overview

Protected Activities Include:

- Reporting unsafe conditions
- Participating in an OSHA investigation
- Refusing to work in dangerous situations
- Filing a complaint or testifying in a proceeding

What Retaliation Looks Like:

- Termination or demotion
- Discipline, schedule changes, or intimidation
- Reduction in hours or pay

Best Practices:

- Train supervisors on retaliation laws
- Investigate all complaints promptly and document findings
- Foster a speak-up culture



Employee Misconduct Defense



Unknown to Employer

Prove the violation was not known to management



Detection Methods

Show systems for identifying violations exist



Adequate Work Rules

Demonstrate clear policies prohibiting the behavior



Effective Communication

Prove rules were properly communicated to employees



Consistent Enforcement

Show uniform enforcement when violations are discovered



YOU MAY USE THIS DEFENSE IF:



A clear safety rule exists



The employee was trained on the rule



The rule was enforced



The behavior was unforeseeable and against policy

Key Documents to Have Ready

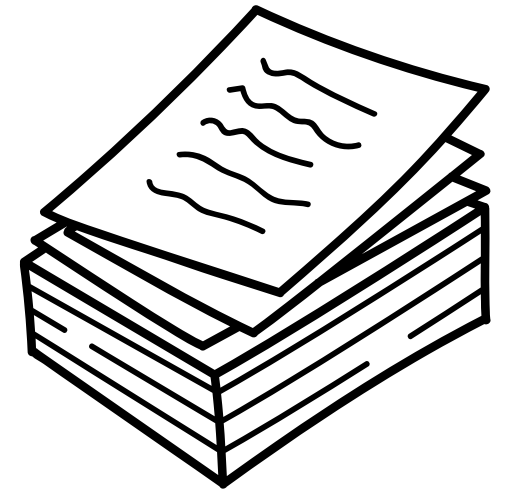


OSHA 300 Logs (5 Years)

- Injury and illness records
- Form 300A summaries
- Form 301 incident reports

Written Safety Programs

- Hazard communication plan
- Emergency action plans
- Lockout/tagout procedures



Training Records

- Employee safety training
- Certifications
- Toolbox talks documentation

Additional:

- Table of Contents of Policy
- Applicable SDS
- Contact info for next of kin

Having these documents organized and readily accessible demonstrates your commitment to compliance and expedites the inspection process.

How to Organize and Present Documents

Protecting Confidential Information

All confidential, trade secret, or proprietary documents should be clearly marked as such.

Include notation of privileged status in the cover letter to OSHA to prevent confusion about waiver of privilege.

Challenging Requests

While possible to challenge OSHA's requests, this typically results in subpoenas.

OSHA has broad authority for document requests and witness interviews.

Any challenge must be assessed case-by-case with legal counsel.

CHALLENGE

Equipment Demonstrations

Document OSHA's Request

Confirm in writing that machinery operation is being done at OSHA's specific request.

Limit Commentary

Be mindful of narrating during the process, as statements will be documented.

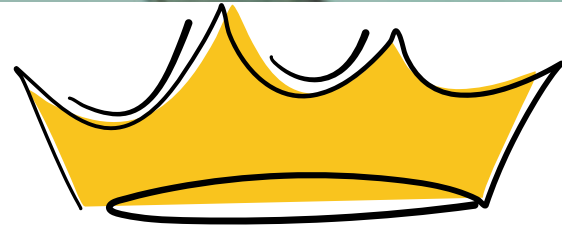
Ensure Safety

Verify all personal protective equipment is properly used during demonstrations.



Essential to confirm in writing that any machinery or equipment involved in an incident being operated, powered up, breathed on, looked at, is now being done at OSHA's request





The Golden Rule of OSHA Interactions

Tell the truth. With no exceptions.

Honesty is absolutely essential when dealing with OSHA. Lying to inspectors can result in criminal penalties and permanently damages your credibility.

Even when the truth seems unfavorable, dishonesty creates far worse consequences and eliminates the possibility of good-faith defenses.



The OSHA Closing Conference



Ask Direct Questions

Inquire about citations being recommended and their classifications (violations, timelines, etc.)



Request Written Confirmation

Get documentation of any verbal information provided.



Management Representation

Ensure designated company representative is present and authorized to speak.



Avoid Speculation

Do not admit, speculate, or guess about potential violations.

**Use this meeting to gather intel, not to defend.
You'll have time for that later.**

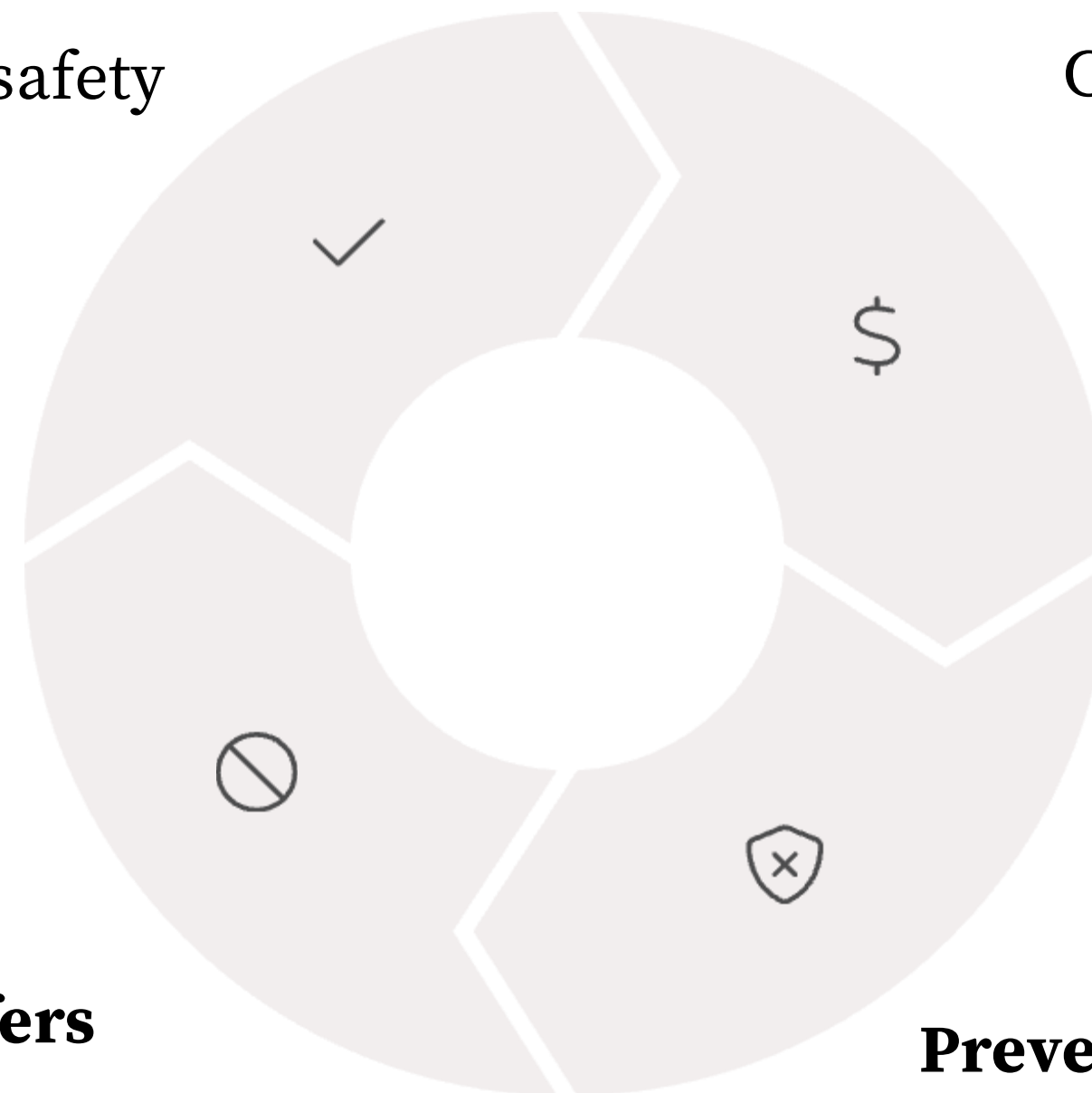
Benefits of Early Abatement

Demonstrates Good Faith

Shows commitment to workplace safety

Reduces Penalties

Can lead to greater reduction in fines



OSHA Prefers

OSHA favors abatement and outside consultants doing the trainings

Prevents Further Injuries

Improves workplace safety immediately

What Will Happen After the Inspection?

6

OSHA has 6 Months to complete their investigation and issue citations

6

Can make additional requests (documents, visits, interviews within 6 months

15

15 business days to respond once employer receives the citation

U.S. Department of Labor
Occupational Safety and Health Administration
201 Varick Street
Room 908
New York, NY 10014
Phone: 212-620-3200 Fax: 212-620-4121



Citation and Notification of Penalty

To:
The New York and Presbyterian Hospital, dba
NewYork-Presbyterian Hospital/ Columbia University
Medical Center
635 West 165th Street
Eye Institute, 8th Floor, Rm 800/ EHS Office
New York, NY 10032

Inspection Number: 985098
Inspection Date(s): 07/15/2014 - 01/14/2014
Issuance Date: 01/14/2015

Inspection Site:
622 West 168th Street
New York, NY 10032

Mr. Pratik Thaker

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such

Responding to Citations

Pay the Penalty

Simply accept the citation and pay the fine (generally not advisable without review).

Expedited Settlement

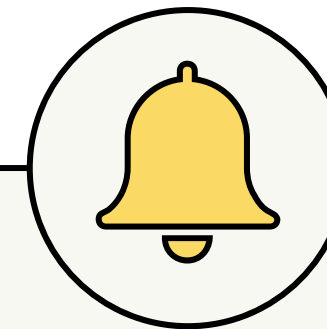
Accept OSHA's Expedited Informal Settlement Agreement for reduced penalties.

Informal Conference

Schedule an Informal Settlement Conference to negotiate terms.

Contest Citations

File a Notice of Contest to formally challenge the citations.



This all must happen with 15 business days of receipt of the citation.

Always communicate/confirm with OSHA in writing (email).

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1369866
Inspection Date(s): 12/13/2018 -
Issuance Date: 05/23/2019

The seal of the U.S. Department of Labor, Occupational Safety and Health Administration. It features an eagle with wings spread, perched on a shield with a scale of justice and a sword. The words "DEPARTMENT OF LABOR" and "UNITED STATES OF AMERICA" are inscribed around the border.

Citation and Notification of Penalty

Company Name: Paramount Stucco LLC

Inspection Site: 3701 Birchmore Street, Lot 017-01, Naples, FL 34104

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1926.451(e)(1): When scaffold platforms were more than 2 feet (0.6 m) above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (such as ladder stands), ramps, walkways, integral prefabricated scaffold access, or direct access from other scaffold, structure, personnel hoist, or similar surface was not used. Crossbraces were used as a means of access:

On or about December 13, 2018, at 7262 Wilton Drive, Lot #008-01, at the Avery Square project in Naples Florida, the employer failed to provide employees with a ladder for accessing the third tier of a scaffold, thus exposing the employee to a fall hazard of approximately 12 feet to ground level.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

05/30/2019
\$5304.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Citation and Notification of Penalty

Page 6 of 9

OSHA-2

Expedited Informal Settlement Agreement

Benefits



- Typically offers 40% reduction in penalties
- Faster resolution without formal meetings
- Simplified process for straightforward cases

Considerations



- Only addresses penalty amounts, not validity of citations
- May create repeat citation risk in the future
- Often lacks non-admission language found in negotiated settlements
- Must be completed within the 15-day contest period

IN THE MATTER OF: Paramount Stucco LLC
OSHA INSPECTION # 1369866
ISSUED: 05/23/2019

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Occupational Safety and Health Administration, (OSHA), in settlement of the above referenced Citation(s) and Notification(s) of Penalty which were issued on 05/23/2019, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced citations.
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to the Area Director that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three days in the place the citations were posted as described in paragraph 6 of this AGREEMENT.
4. OSHA agrees that the total penalty is amended to \$6364.80. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initially proposed penalty of \$10608.00.
5. In consideration of the foregoing amendments and/or modifications to the citations, the EMPLOYER hereby waives its right to contest said citations pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970. It is understood and agreed by the Occupational Safety and Health Administration and the EMPLOYER that the citations as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Citations (Citations are required by law to be posted in a prominent place at or near the location of the violations). Citations must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and Federal Holidays, whichever is longer.)
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Company Official and Title

Condell Eastmond,
Area Director

Date Signed

Date Signed



The Informal Settlement Conference



Schedule Strategically

Allow time for continued negotiations before contest deadline



Bring Decision Makers

Include company representatives authorized to settle



Negotiate Terms

Discuss penalty reductions, citation reclassifications, and abatement dates



Review Settlement Language

Ensure non-admission clause is included in final agreement

U.S. Department of Labor
Occupational Safety and Health Administration



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 05/23/2019. The conference will be held by telephone or at the OSHA office located at 1000 South Pine Island Road, Suite 100, Fort Lauderdale, FL 33324 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Negotiating A Better Outcome



Penalty Reductions

Penalties may be reduced up to 40% depending on circumstances.



Citation Reclassification

Willful citations may be reduced to serious, serious to other-than-serious or other-than serious to de minimis.



Grouping Citations

Multiple related violations may be combined to reduce total penalties.



Extended Abatement

Deadlines for correcting violations may be extended if justified.



OSHA Abatement Verification

Documentation Requirements

When citations indicate "ABATEMENT DOCUMENTATION REQUIRED," you must submit records showing how violations were corrected.

This typically includes training records, revised policies, or evidence of physical changes.

Verification Process

For each citation, submit a brief description of the abatement method:

- Date abatement was completed
- Method used to correct the hazard
- Evidence such as photos or training records
- Statement that employees were informed





Filing a Notice of Contest

Formal Challenge

Tells OSHA you're disputing the citations and forcing them to prove their case.

Legal Process

OSHA will file a complaint against the employer in OSHRC jurisdiction.

Solicitor Involvement

The Department of Labor's Solicitor's office will handle litigation for OSHA.

Timing Critical

Must be filed within 15 business days of receiving citations.



Key Takeaways



Fair Enforcement

OSHA is concerned about worker safety and generally tries to enforce regulations fairly.



Strategic Planning

Careful preparation and training can help employers assert control over the inspection process.



Proactive Compliance

Addressing safety issues before OSHA arrives is the best defense against citations.

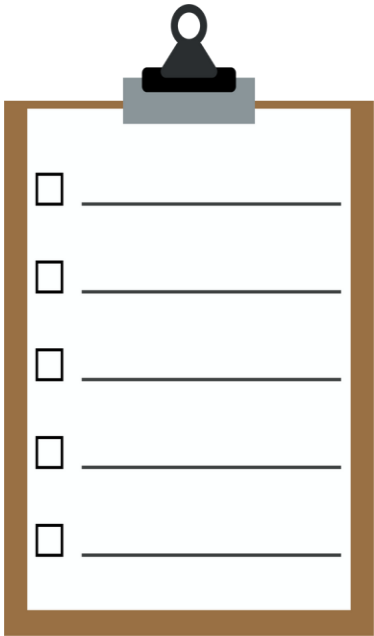


Legal Protection

Proper handling of inspections gives litigation counsel better tools to defend against citations.

OSHA Readiness Checklist

- ☐ OSHA 300, 300A, and 301 logs are current and accurate
- ☐ OSHA 300A summary is posted from Feb 1–Apr 30
- ☐ Injury and illness reports are maintained for 5 years
- ☐ Safety Data Sheets (SDS) are accessible and organized
- ☐ Written safety programs are current and complete (e.g., HazCom, PPE, LOTO)
- ☐ Training records are up to date for all required topics
- ☐ Inspection and maintenance logs are available for equipment and PPE
- ☐ Emergency action plan is reviewed and communicated to all staff
- ☐ All hazards are identified and corrected (e.g., blocked exits, exposed wires)
- ☐ Machine guards are in place and functional
- ☐ PPE is available, properly used, and maintained
- ☐ Fall protection systems are in place and inspected
- ☐ Fire extinguishers are accessible, inspected, and tagged
- ☐ First aid kits are stocked and accessible
- ☐ Eyewash stations are operational if required
- ☐ Housekeeping standards are being met
- ☐ Employees are trained in hazard recognition and reporting procedures
- ☐ Employees know where to find SDS and emergency info
- ☐ Employees understand their rights during an OSHA inspection
- ☐ Supervisors are prepared to explain procedures and documentation
- ☐ Employees know not to speculate or guess during interviews
- ☐ A designated OSHA coordinator or point person is identified
- ☐ Opening and closing conference protocols are understood
- ☐ A duplicate note/photo system is in place to mirror inspector documentation
- ☐ All shared documents are logged with date and requester
- ☐ Management knows their rights during interviews and document requests
- ☐ Corrective action plans are ready for rapid abatement



Risk Management As a Business Strategy

At IRONWOOD Business Consulting, we provide more than compliance—we deliver clarity, protection, and strategy. Specializing in HR, DOT, HSE and Contractor Compliance. We help businesses across all industries build the infrastructure they need to stay safe, compliant, and lawsuit-ready.

Our team serves as a proactive extension of your organization—offering real-time support, written programs, audits, investigations guidance, employee training, and expert insight into constantly shifting regulatory environments. Whether you're navigating an OSHA inspection, responding to a critical incident, or creating a culture of safety and accountability, IRONWOOD provides the shelter and strategy your business deserves.



Anticipate

- Regulatory monitoring (DOT, OSHA, HR)
- Risk audits and vulnerability assessments
- Policy reviews and planning

Respond

- Incident support and investigation guidance
- Crisis management (fatalities, injuries, inspections)
- Rapid regulatory consultation

Prevent

- Training programs and toolbox talks
- Written program development
- Employee safety engagement

Optimize

- System building and workflow efficiency
- Risk communication strategy
- Insurance and industry partner collaboration

Thank You

For Your Attention

Q&A Discussion



IRONWOOD
BUSINESS CONSULTING

Contact Kevin Reynolds

A solution for today and a strategy for tomorrow.

Businesses are experiencing unprecedented challenges. Labor shortages, supply chain issues, and complex regulations can threaten the existence of businesses from across every industry every day. Our mission is to provide shelter from the storm. Business owners rarely have the luxury of a dedicated advocate in their corner. IRONWOOD is committing to creating impactful change for not only owners but the entire company and community as a whole.

Never Complacent. Always Compliant.



888-743-5238



www.ironwoodbc.com



kevin@ironwoodbc.com

