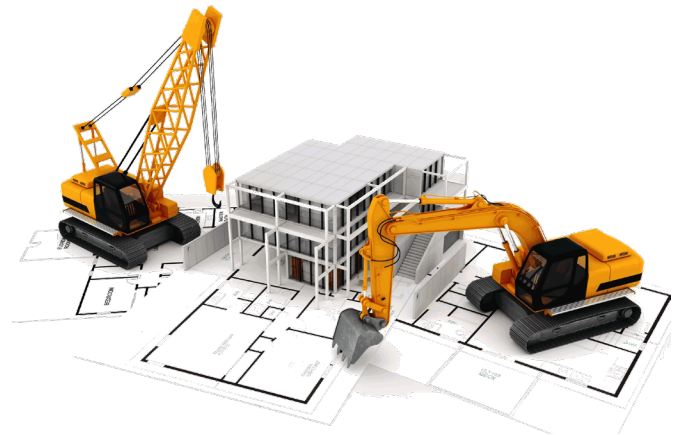
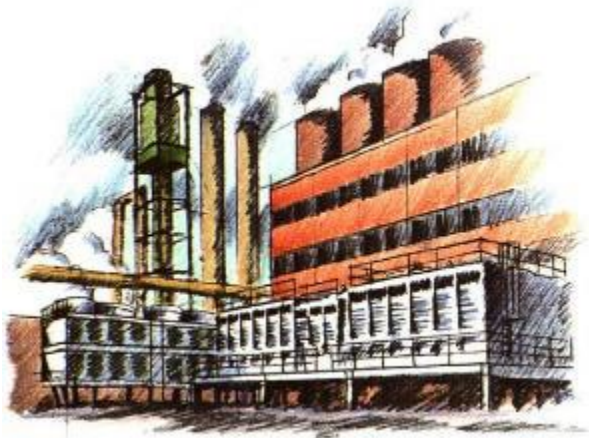




**Occupational  
Safety and Health  
Administration**



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Joe Green  
Compliance Assistance Specialist for the  
Boston North Andover OSHA Office.



**Occupational  
Safety and Health  
Administration**

- OSHA Emphasis Programs.
- Safety Campaigns
- OSHA Jurisdiction
- OSHA Criminal Team
- What to expect during an OSHA inspection.



# Emphasis Programs.

# National Emphasis Programs

- Trenching and excavating
- Hazardous machinery
- Hexavalent chromium
- Lead



- Primary metals
- Process safety management
- Shipbreaking
- Combustible dusts
- Silica
- Fall hazards
- Warehousing









# An Unprotected Trench IS AN EARLY GRAVE



Extraordinary efforts to rescue two men in this trench collapse saved one man's life but one 20-year-old man died.

Trench Standdown week June



# Local Emphasis Programs

- Noise
- Crane operations
- Residential construction
- Powered industrial trucks
- Seafood Processing
- Tree & Landscape Operations







Are phones a distraction in this situation??





Is this considered fall protection per OSHA ?





## Media Referral



## Media Referral





Police  
Referral





Police  
Referral





Police  
Referral



# Building Commissioner Referral







Building  
Commissioner  
Referral



# Safety Campaigns.



# Campaigns - 2025

- Ladders (March)
- Work zone awareness (April )
- Workers' Memorial Day (April 28<sup>th</sup>)
- Fall prevention and protection (May)
- Forklifts (June)
- Trenching and excavating (June)
- Heat illness prevention (May)
- National safety month – June
- Safe and Sound week (August)



# Who does OSHA have jurisdiction over ?





- Employers/employee relationship.
- Independent contractors who are being directed/controlled by an employer may be considered an employee.





Occupational  
Safety and Health  
Administration

# Who doesn't OSHA have jurisdiction over ?





- **Self-employed persons. (DBA's)**
- **Public Sector Workers – (Dept. of Labor Standards)**
- **Mines / Quarries / Gravel Pits (MSHA)**
- **Homeowners.**



# OSHA REGION 1 CRIMINAL INVESTIGATIONS TEAM

---



# Criminal Investigation Team

*Two year prison sentence with three years probation*

- The owner of a company involved in a deadly trench collapse in Boston three years ago has been convicted on two counts of manslaughter in connection with the incident that killed two workers.
- Atlantic Drain Service and owner Kevin Otto were found guilty in a jury-waived trial in Suffolk County Superior Court.
- Robert Higgins and Kelvin Mattocks, employees of Atlantic Drain Service Co., were killed on Oct. 21, 2016, when the trench in which they were working collapsed and filled with water from a fire hydrant supply line.



# OSHA REGION 1 CRIMINAL INVESTIGATIONS TEAM

- “Criminal” is reserved for OSHA’s “worst actors”, who have either:
  - Provided false documents or testimony with the intent to mislead an investigation
  - Intimidated OSHA investigators
  - Failed to pay significant outstanding penalties (Scofflaw Initiative)
  - Willfully violated OSHA regulations leading to the death of a worker(s)

# OSHA REGION 1 CRIMINAL INVESTIGATIONS TEAM

- The CIT was developed because OSHA, criminal cases are resource intense and place a burden on a local area offices.
- The CIT assists an area office by carrying the weight of a criminal investigation, which can be lengthy and drawn out.
- The CIT is the point of contact for DOL Solicitors, law enforcement and prosecutors.



# OSHA REGION 1 CRIMINAL INVESTIGATIONS TEAM

## ■ Functions of CIT

- Provide resources for field investigators including database searches and investigation assistance.
- Work with other federal agencies including Special Agents of: DOL-OIG, EPA, IRS, Social Security and the US Attorney's Office to coordinate investigations and prosecutions.
- Work with local law enforcement, county and state prosecutors when a case is referred and prosecuted by them.

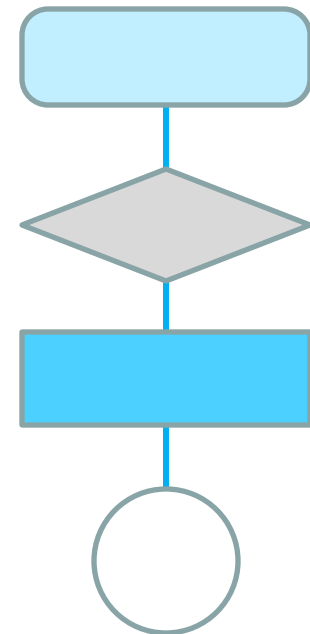


# What to expect from an OSHA Inspection.



# The Inspection Process

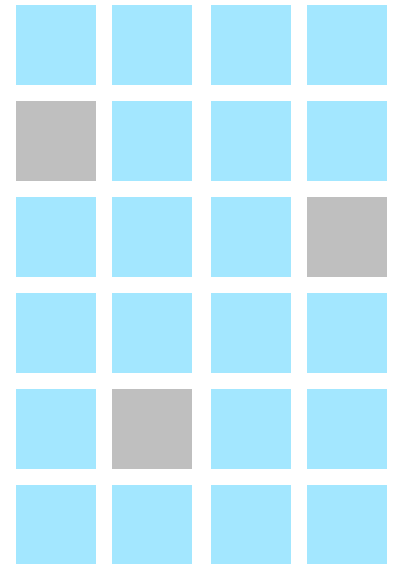
- Opening Conference
- Walk-around
- Closing Conference
- Contest/Resolution





# Inspection Types

- Un-programmed inspections
- Programmed inspections



# Un-programmed Activity

- Imminent Danger
- Fatality/Catastrophe
- Complaints/Referrals









Photo with in 20 minutes after accident.

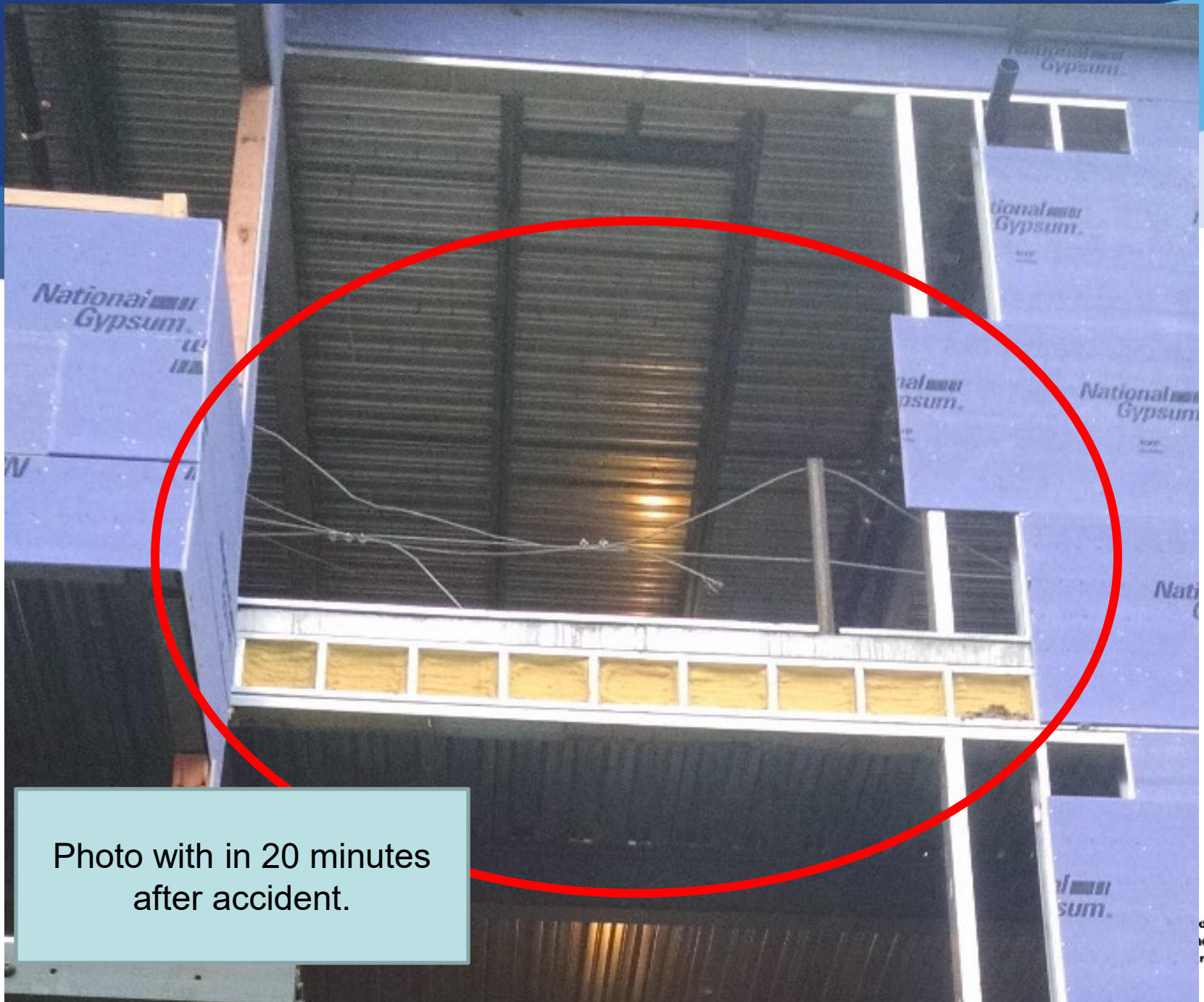


Photo with in 20 minutes  
after accident.

# Programmed Activity

- Special Emphasis Programs
- Site-Specific Targeting

0 110101 10 10 0  
1 100 0100101100 1  
10100 11 0101 0101  
10 1100 1011 0000  
10011 001 0 100 10  
00101011 011011 10  
0 110101 10 10 0  
1 100 0100101100 1  
11 101110101100 0110  
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011 1011010010 1011  
10100 11 0101 0011

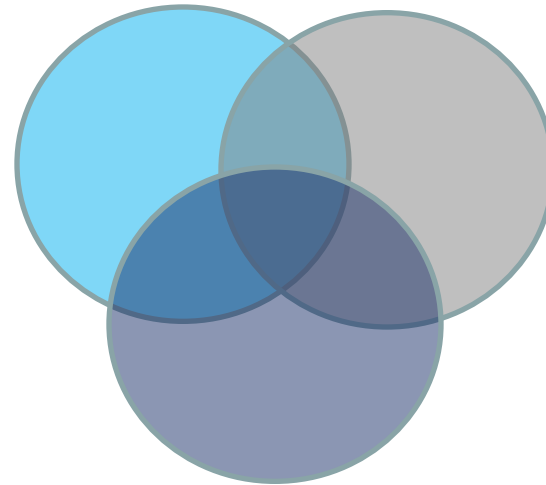


# OSHA Penalty Levels: 2024

Type of Violation	New Maximum
<ul style="list-style-type: none"><li>• Serious and</li><li>• Other-Than-Serious</li><li>• Posting Requirements</li></ul>	<b>\$16,131 per violation</b>
Willful or Repeated	<b>\$161,131 per violation</b>
Failure to Abate	<b>\$16, 131 per day</b> beyond the abatement date

# Penalty Adjustment Factors

- History
- Good Faith
- Size



# INSPECTION PRIORITIES

- Imminent Danger
- Fatalities and Catastrophes
- Complaints
  - Formal
  - Non-formal
- Referrals
- Programmed
- Follow Up





# Company Representatives



- From Supervisor, Foreman to Project/Office Manager—  
You represent the Company.
- What supervisors decide to do is treated as a corporate decision.
- If a company representative lets visible hazards go on or pays no attention to safety. **BAD!**

# Inspection Process

- CSHO assigned case.
- CSHO becomes familiar with the establishment.
- OSHA History.
- Nature of business
- Relevant standards that may apply.
- Equipment selection  
(Investigative tools, PPE, etc.)



# The Knock at the Door

- Inspection begins when CSHO arrives at establishment. (Hazards may already be observed when driving into the facility parking lot).
- Displays credentials.
- Employers should always ask to see ID.
- Employer can verify by phoning OSHA.
- And No we do not make appointments.





# Inspections- OSHA Rights

- Authority to inspect (Osh Act)
- “Enter without delay.....1903.3”
- “Inspect and investigate....”



# One hour wait ?

## Inspection Procedures

Field of Operations Manual.



*When neither the person in charge nor a management official is present, contact may be made with the employer to request the presence of the owner, operator or management official. The inspection shall not be delayed unreasonably await the arrival of the employer representative. This delay **should normally not exceed one hour**. If the person in charge at the workplace cannot be determined, record the extent of the inquiry in the case file and proceed with the physical inspection.*

# Opening Conference



- CSHO explains why facility is being inspected.
- Explains purpose and scope of the visit.
- Complaint copies distributed.
- Employee representative may be summoned.



# Inspection Tour



- Onsite Duration determined by CSHO
- Observe manufacturing/process and work practices.
- Interview employees and speak with employee representatives.
- Take photos, videos, instrument readings/air samples.
- CSHO will point out unsafe conditions.
- Recommend feasible abatement methods
- Examine training records.



# Employee Interviews

- OSHA's right to private interviews
  - Subpoenas
- Employees' Rights
  - Speak with OSHA
  - Union Rep, or personal Rep
  - No Retaliation
  - No Employer Interference



# Violation Elements

- Applicable Standard
- Existence of Hazard
- Employee exposure to Hazard
- Employer Knowledge

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

Inspection Number: 1048086  
Inspection Date(s): 03/18/2015 - 07/14/2015  
Issuance Date: 09/15/2015

**Citation and Notification of Penalty**

Company Name: U.S. Postal Service, dba U.S. Postal Service  
Inspection Site: 204 Fairforest Way, Greenville, SC 29607

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.176(n): Where mechanical handling equipment was used, sufficient safe clearances were not allowed for aisles, at loading docks, through doorways or wherever turns or passage had to be made.

a) Worksite: Aisle ways throughout the building used by powered industrial trucks (PITs) and personnel are blocked by containers of mail and equipment, restricting traffic flow. The lack of space around the equipment exposes pedestrians to struck-by hazards by PITs and other equipment.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 09/28/2015  
Proposed Penalty: \$70000.00

*Darlene Fineman*  
Darlene Fineman  
Area Director

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 9 of 11 OSHA-2

# Closing Conference

- Hopefully ....you inform the employer that no hazards were observed during the inspection and thank you for your cooperation..





# Closing Conference

- Discussion of hazards, questions and answers.
- Discussion of apparent violations.
- Time needed for abatement.
- Incidents/accidents – CSHO may inform you that the case is still open and the investigation is on going. (6 month statute)
- Only Area Director issues citations and assess \$\$\$ amounts



My company received an  
citation regarding our OSHA  
inspection, now what ?

# Violation Classification

- Other-than-Serious
- Serious
- Repeated
- Willful

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Darlene Finson  
Area Director

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Citation and Notification of Penalty Page 9 of 11 OSHA-2

# Types of Violations

- Other Than Serious Violation
- Normally would not cause death or serious injury
- Up to \$ 16,131



# Types of Violations

- Serious Violation
- High probability of death or serious harm
- Mandatory \$ 16,131





# Types of Violations



\$14,502

2X

5X

10X

- Repeat Violation
- Same or substantially similar, up to \$ 161,323 for each violation

# Types of Violations

- Willful Violation
- Employer knowingly commits with plain indifference to the law.
- Either knows action is a violation, or is aware of hazardous condition with no effort to eliminate.
- Up to \$ 161,323 for each
- Minimum of \$ 16,131



# Employer Options Citation(s) issued

- Accept the citation
- Extend the abatement dates
- Contest the Citations.
- Request an informal conference.
- Note – Employee representatives also receive a copy of citation.



# Appeals Process - Employers

- Employers can request informal conference
- Area Director authorized to enter into settlement agreements that revise citations





# Notice of Contest

- 15 days to notify Area Director in writing
- Copy given to employee representative
- Or posted in prominent location



# Review Procedure

- Notice of contest forwarded to the Occupational Safety and Health Review Commission (OSHRC)
- Independent of OSHA and DOL
- Litigation process begins ....





# Questions



Thanks for your attention  
here today !