

Prepare for a MIOSHA Audit



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Consultation Education & Training (CET) Division

Michigan Occupational Safety & Health Administration

Michigan Department of Labor & Economic Growth

www.michigan.gov/miosha

517-322-1809



MIOSHA Training Institute Certification

What is it?

Through this certification you will begin the process of developing a safety and health management system while becoming familiar with MIOSHA Standards and other relevant topics.

MIOSHA Training Institute Certification

What are the benefits?

- Conducted by credible MIOSHA consultants
- CEUs, CSPs, Maintenance points
- Validation of a set of knowledge
- Standardized curriculum path
- Increased recognition for employee & employer
- Tracking of course completion

Objectives

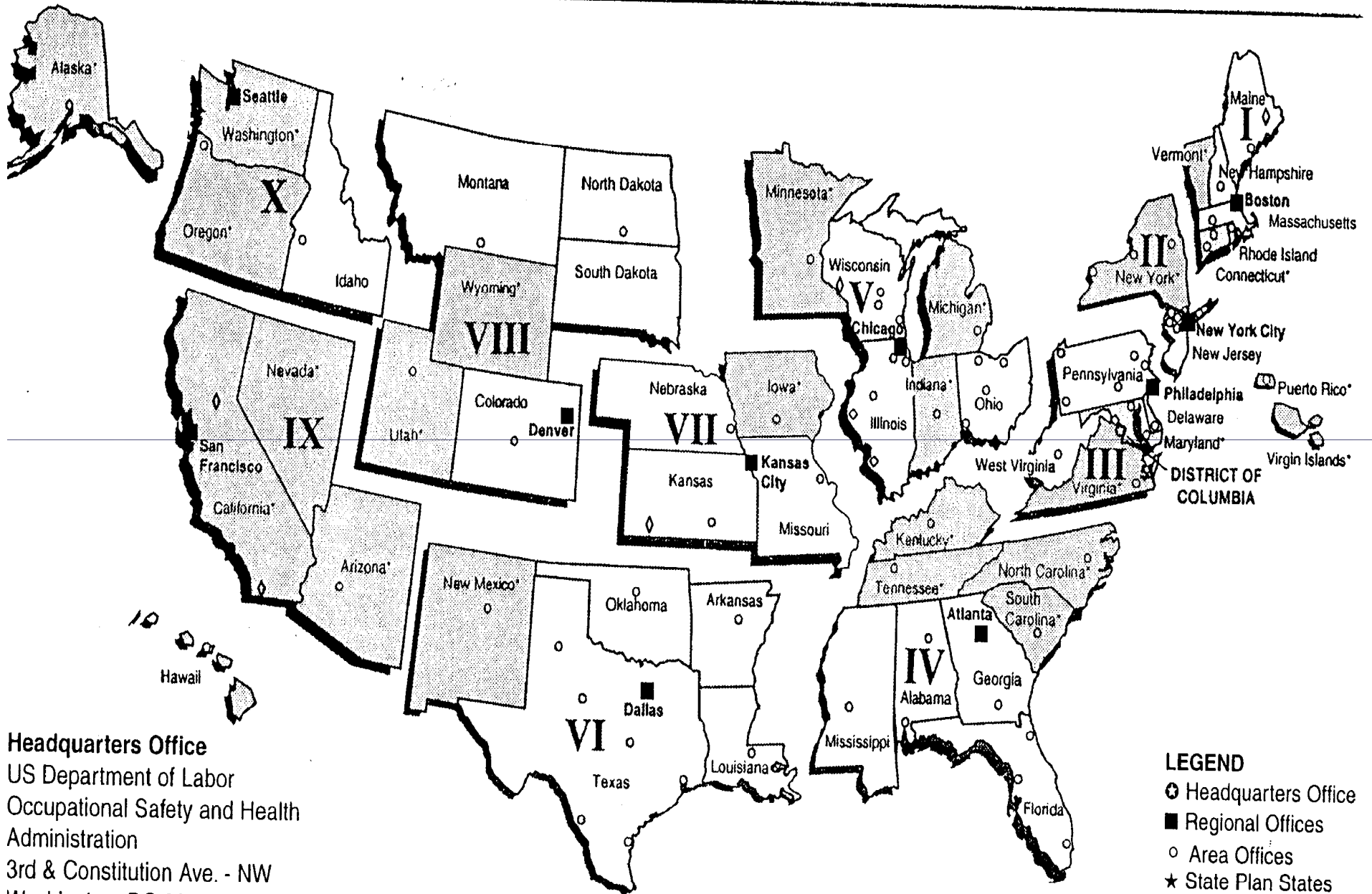
- Participants will be able to:
 - Explain the difference between OSHA and MIOSHA
 - Identify the options a company has when a MIOSHA compliance officer visits
 - Identify the process and procedures used by a MIOSHA compliance officer when conducting workplace inspections

Objectives

- Identify how the multi-employer worksite agreement impacts who can receive citations for job-site hazards
- Explain the eight different reasons for MIOSHA inspections
- Identify resources available to prepare for a MIOSHA inspection
- Identify the options available within the appeals process

Who is MIOSHA ?

- Michigan Occupational Safety and Health Act (MIOSHA) P.A. 154 of 1974, as amended.
- Allows enforcement of the occupational safety and health regulations at a state level versus the federal level (OSHA).
- This applies to both the private & public sectors.



Headquarters Office
 US Department of Labor
 Occupational Safety and Health
 Administration
 3rd & Constitution Ave. - NW
 Washington, DC 20210
 OSHA 3046 - (1996 Revised)

- LEGEND**
- ⊙ Headquarters Office
 - Regional Offices
 - Area Offices
 - ★ State Plan States
 - ◇ District Office

Shaded States=State Approved Plan
Nonshaded States=Federal Plan

Preparing for the Inspection

- Read safety & health publications
- Belong to associations
- Insurance company audits
- Internal self inspections
- Safety committee
- CET services
- Standards knowledge
- Know in-charge person
- Safety should be in the bid process
- Think of safety as profit center

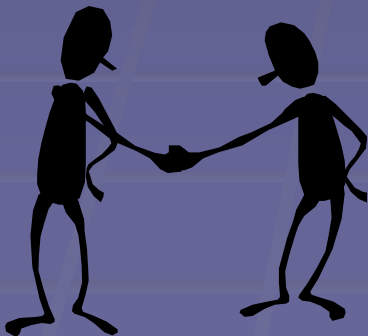


Reasons for a MIOSHA Inspection

1. Imminent danger
2. Fatality / Catastrophic
3. Accident investigations
4. Employee complaints
5. Program Initiated Routine safety / health inspections
6. Visual Activity
7. Referrals
8. Follow-ups (re-inspections)

Arrival at site

- No advanced notice
- Ask for employer representative
- Present credentials and business card
- Explain reason for visit
- Relate need for opening conference



Opening Conference

Employer and employee representative

Explain employer's rights

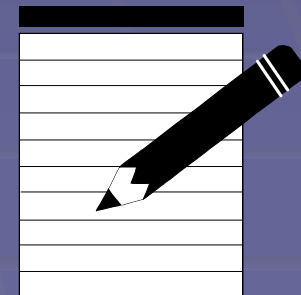
Receive copy of written complaint

Conduct inspection w/o unreasonable disruption

Ask questions

Ask abatement advice

On-going C.E.T. services – may avoid inspection



Opening Conference

- Explain employer's responsibilities
 - “To provide a workplace free of recognized hazards which can cause death or serious physical harm”
- Not be discriminated against for participating in Inspection

Opening conference

- Samples and documentation
 - Take samples
 - Visual documentation (camera)
 - Take notes, no copies left with employer
- Walk Around
 - Areas, process or equipment to be covered
 - Systematic orderly inspection
- Employee Interviews
 - To confirm training
 - Associated with incident
 - Violation documentation

Documents that may be reviewed

- Form 300, supplementary reports
- Written programs (Will be reviewed at the appropriate time depending on the needs of the inspection or investigation)
- Formal safety & health program
- Accident Prevention Program, Accident reports, ect. (Construction companies)

Walk Around Inspection

Requirements

- MIOSHA inspector may deny the right of accompaniment to any person whose conduct interferes with a full and orderly inspection (Disruptive Conduct)
- Encourage dialogue and questions related to safety and health issues, and should offer suggestions and explanations as to how problems might be abated.

Walk Around cont.

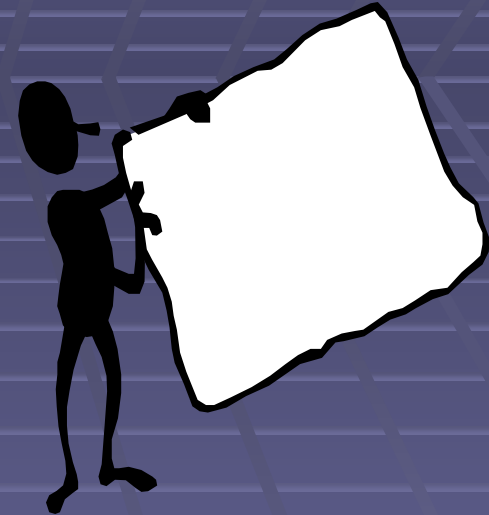
- Documenting violations
 - Carries testing equipment
 - Provides written and photographic documentation
 - Written description of violation (including measurements)
 - Violation, equipment, location
 - Hazard, exposure, injury
 - Probability Quotient
 - Gravity Based Penalty
 - Calculated in Lansing according to penalty
 - Schedule Summary Chart

Walk Around cont.

- Accompanying the compliance officer
 - If an inspection can be in systemic manner
 - Take notes / photos of alleged violations
 - If an investigation, then will try to stay focused on primary goal, but can't ignore serious violations

Written Programs

- Hazard communication
- Lockout/Tagout
- Confined space
- PPE assessment
- Emergency evacuation plan
- Documented training
- Industry specific (hearing conservation, respiratory protection)
- Standard required inspection records (such as cranes or presses)



Multi-Employer Worksite Agreement

- **EXPOSING EMPLOYER**

The employer of the employees exposed to hazard.

- **CREATING EMPLOYER**

The employer actually creates the hazard.

- **CORRECTING EMPLOYER**

The employer has the responsibility for actually correcting the hazard.

- **CONTROLLING EMPLOYER**

The employer is responsible, by contract or through actual practice, for safety and health conditions on the worksite.

Closing Conference

- Discuss each violation
- Abatement period
- Review rights of an appeal and ISA
- Take notes
- Penalty adjustment issues – Good Faith

Closing Conference cont.

- Penalty calculation done in Lansing-records are kept there
- Penalty reductions
 - Size of business
 - Past history
 - Good faith based upon active/written programs i.e. accident prevention program

Penalty Reduction Factors

- Size of business reduction
 - Up to 80%
- No past history with MIOSHA
 - 10% reduction
- Good faith (health and safety evaluation form)
 - Up to 30% reduction

Formula for Size Reduction

EMPLOYEES	PERCENT REDUCTION
1-10 (worldwide)	80%
1-25 (site specific)	60%
26-100 (site specific)	40%
101-250 (site specific)	20%
251 or more (site specific)	None

Types of Penalties

<u>Classification:</u>	<u>Penalty Maximum</u>
Serious	\$ 7,000
Other - than - serious	\$ 7,000
Willful	\$ 70,000 (min. \$ 5,000)
Repeat	\$ 7,000
Fail to abate	\$ 7,000/per day in violation past due date
Safety Recommendation	No Fee

What to do when the citation arrives ?

- Abate conditions
- Pay the fine
- Appeal violations, penalty, or abatement date
- Ask for an ISA (Informal Settlement Agreement)
- Post copy of citation for 3 days or longer for employees to read

Gravity Based Penalty Assessment

- Probability
- Severity
- Number of exposed employees
- Duration, proximity, frequency
- Working conditions
- Penalty assessed from summary chart

Thank You For Attending This Presentation

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For further information or to request consultation,
education
and training services, call (517) 322-1809
or
visit our website at
www.michigan.gov/miosha

