

The Occupational Safety and Health Act (OSHA) was passed over 50 years ago. At that time the law had an initial major impact on employers of all types. There was a substantial impact on Industries such as home products, roofing, plastic pipes, and heavy industry. The regulations were initiated at that time including the changes to the amount of Asbestos allowed in the air of factories that use it for different products. These regulations had a substantial impact on the lives and health of workers exposed to this lethal substance.

Through the years the undersigned has worked with OSHA in all aspects of its authority from regulation development, variances, helping, regulation assistance, employers preventing problems and most importantly defending employers when wrongfully cited for fines and penalties. OSHA has become a respected arm of Federal regulation of safety and health matters. They also have jurisdiction over the air and environment found in plants and factories. They are the environmental watchdog for internal environment in the workplace.

The inspection and issuance of Citations listing violations is now part of every industry experience, from factories, construction, offices etc.

INSPECTIONS

There are numerous types of inspections from a scheduled inspection of an entire facility to the most common today is a employee complaint inspection. Technically there are several types of employee complaints from formal to informal. In any case when you are inspected first request the badges and ID of the inspector, discuss in detail the nature of the complaint. This is very important since you should allow them to inspect the area where the complaint allegations and violations. Take the quickest way to the site of the complaint, cooperate. They may talk to employees and supervisors, which you are allowed to be with the supervisor. Be cooperative up to a point and maintain your composure during an inspection or conference with OSHA. Don't make any admissions they you agree you have violated the law. If the inspector wishes to see other parts of the plant politely refuse and call an attorney. If they wish to do an entire facility inspection ask their reasons. Do not accept their request until speaking with an OSHA lawyer. It occurs to often that an inspection deals with a small segment of an operation and improperly is expanded because the employer agrees to a larger inspection.

STAND YOUR GROUND AND TELL THEM YOU WILL SEEK ADVICE FROM COUNSEL AND CALL THEM AFTER THE INSPECTION

If you acquire additional evidence send it to OSHA after the inspection (seek counsel) .

ISSUANCE OF A CITATION

Within 6 months you may receive a citation. Generally the citation has many sections . The citations Range to the most serious called serious violation to willful. These citations have penalties upwards of \$10,000 to \$20,000 per penalty. In addition the cost of abatement of the violation can be well in excess of the penalties.

When you receive a citation you have 15 working days to file a Notice of Contest (excluding weekends and federal holidays) It is very important to seek counsel to review the violations and determine your defenses. Before you file an appeal you can have a conference with OSHA to try to resolve the matter. Many times this is resolved especially if you can show the inspector went beyond his

or her jurisdiction. Generally OSHA will change the fines. It is not uncommon to have fines well over \$20,000. If you are unable to reach an agreement do not take on an appeal yourself. The initial filing of a Notice of Contest is very simple. Thereafter you receive an official written complaint (The same as court matter) This appeal process becomes a legal process with motions, depositions and a formal hearing before The Occupational Health & Safety Review Commission. During the legal appeal there will be opportunities to settle. With our 50 years of working with and litigating OSHA findings the best advice is seek counsel.