HAZCOM – It’s still in the Top 10 OSHA Citations!

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Companies have the right to require OSHA to get a warrant before allowing a Safety and Health inspection, but once OSHA has a warrant, continuing to prevent an inspection can be costly.

One company found this lesson out the hard way, and by the time they paid OSHA’s attorney fees and fines the total cost to them was over $700,000.

According to OSHA, inspections are always conducted without advance notice. There are, however, special circumstances under which OSHA may give notice to the employer, but such a notice will normally be less than 24 hours. These circumstances include the following:

- Imminent danger situations that require correction as soon as possible;
- Accident investigations;
- Inspections that must take place after regular business hours;
- Cases where notice is required to ensure that the employer and employee representative or other personnel will be present;
- Cases where an inspection must be delayed for more than 5 working days;
- Situations in which the OSHA Area Director determines that advance notice would produce a more thorough or effective inspection.

Most attorneys who represent companies in legal disputes with OSHA advise employees to be ready for OSHA inspections and not refuse an inspector to enter. Reason: Why start off on a bad foot with an agency that has the ability to fine you up to $70,000 for each violation?