



CHES, Inc.  
33 E. Wentworth Ave., Suite 320  
West St. Paul, MN 55118  
Ph.: 651-481-9787  
[www.ches-safety.com](http://www.ches-safety.com)

Complete Health Environmental and Safety Services

---

## **Inspections, Inspections, Inspections...**

By Janet L. Keyes, MS, CIH and Carol A. Keyes, MA, CSP

Why do you have to be inspected? To ensure you aren't doing things wrong, of course. But what's considered wrong depends on who is doing the inspecting. You could be inspected by Minnesota OSHA, looking for safety and health hazards. Environmental inspections, most likely to occur at shops in the Twin Cities area, are done to make sure you're handling waste correctly. Fire inspectors, usually employed by your city, check for measures intended to make sure your shop doesn't burn down – or if it does, that it doesn't create a danger for firefighters. Hazardous waste and fire inspections are pretty routine for most shops, and they're usually without penalty if you correct problems right away. OSHA inspections are much less common. And if an OSHA inspector finds a problem, even if you fix it immediately you may have to pay a fine.

Wouldn't it be nicer if OSHA gave you a first pass, letting you correct the problem without penalty? Perhaps, but there's no provision for that in the Occupational Safety and Health Act, the 1970 enabling legislation for OSHA. There is a provision for repeat and willful violations. Those are penalized at rates ten times those for first offenses.

If you want an inspection to determine whether you are in compliance with OSHA regulations, you can ask OSHA's Consultation Unit to visit your shop. The Consultation Unit, which is at no charge to you and is completely separate from Enforcement, will evaluate your shop against best practices as well as against OSHA standards. Any standard violation deemed serious must be corrected; if it is not, Consultation has the right to do a referral to Enforcement. While you are correcting the hazard, you are exempt from Enforcement action.

If you correct every problem pointed out by an inspector, you should in great shape for an inspection – right? Maybe not. Inspections are only as good as the inspectors. And inspectors vary in what they focus on and what they know. An example: an OSHA Consultation inspection required the employer to document that it corrected a grinding wheel work rest that was about 1/8" too far from the wheel, but did not require any correction for the lack of grounding on a 55-gallon drum of flammable brake cleaner. That Consultation inspector knew the requirements for grinders, but didn't seem as familiar with the requirements for flammable liquids.

The corrections from inspections are also only good as long as they last. If you provided Right to Know training for your employees seven years ago, you're out of compliance today. Annual Right to Know/Hazard Communication training is needed each year. If you bought new air guns, compliant with OSHA standards, for all employees last week, but an employee purchases a noncompliant air gun today, you're out of compliance.

A lot of the problems found by both OSHA and hazardous waste inspectors are uncovered by looking at paperwork. If you have no record of training employees, you have no proof it was ever done. You might swear that you look at your hazardous waste each week, to ensure it is in good condition. That's not enough. You need to prove that, by showing an inspector a hazardous waste inspection log.

Not being able to find records isn't a good excuse. If you can't find a record at the time of the inspection (too nervous to remember your filing system?), most inspectors will let you email or fax it to them right after the inspection. But it's much easier to be able to provide records during the inspection. Agencies usually accept computerized records, although they might ask you to print out specific documents. We like computerized records, because they're usually easier to find than paper copies.

### **What records should you have?**

For OSHA, Right to Know/Hazard Communication training records are a must. Hazard Communication (Right to Know, but specifically for chemical exposure) is MNOSHA's most frequently cited standard. Records of respirator training, fit testing, and medical approval for respirators are needed. You also should have written programs describing how you'll comply with both of those standards.

If you have eleven or more employees, you need to keep a log of work-related injuries and illnesses. While that is the first document inspectors will request, we don't see violations of this cited often for repair shops. Still, it is required.

For hazardous waste, keep all records of what happens to both hazardous waste, such as thinner waste, and regulated waste (such as waste oil, oil filters). In most of Minnesota, you are no longer required to send your hazardous waste manifests to your state or county. But you still need to have them, to show that the waste made it to the intended location. Some counties require that you be able to show what you did with other regulated waste, such as battery cores or fluorescent lamps. You wouldn't have manifests for those, but you would have invoices or receipts. You also should have records of your weekly hazardous waste inspections.

Your fire marshal will want proof that your fire protection systems are kept up to date. The inspection companies usually put tags on the equipment, which makes verifying that easy.

Inspections – especially OSHA inspections – can be nerve-racking. But inspectors aren't usually out to play *Gotcha* – unless they think that you're deliberately trying to cover up serious problems. OSHA Enforcement inspectors will cite you if you have violations, and you will have to pay a penalty for that.

You probably think you have a safe, well-run shop. But many of the regulations (OSHA, hazardous waste, even fire) are intended to prevent long term harm or harm from unusual events. The standards they enforce were usually written because serious problems arose, from dumping waste in ditches to people dying because they didn't know they worked with dangerous chemicals. If you have made no effort to find out what requirements apply to you, inspectors aren't going to be sympathetic. But if they think you are trying to do a good job and have made the effort to try to comply, they'll be much easier to work with.

This article is intended to provide general information (no advice) about current safety topics. To discuss your specific concerns and how CHESS may help, please contact CHESS at 651-481-9787 or [chess@chess-safety.com](mailto:chess@chess-safety.com)

This article originally appeared in *AASP News* (March 2018).