

MNOSHA Inspection Process

A Presentation for the MNOSHA Advisory Council



2010

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MNOSHA History

- **1970 Williams-Steiger OSH Act was passed. It encouraged states to have their own OSHA program.**
- **1972 State plan submitted.**
- **1973 Granted by Federal OSHA and began operating on August 1, 1973.**
- **July 30, 1985 MNOSHA received final approval from Federal OSHA.**

MNOSHA Authoritative Statute Chapter 182

- **182.653 RIGHTS AND DUTIES OF EMPLOYERS:
Subd. 2. Conditions and place of employment: Each employer shall furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees.**



MNOSHA Compliance Current Staff 2010

- 31 Safety Investigators**
- 16 Health Investigators**
 - 2 Discrimination
Investigators**
 - 9 Principal/IH3**
 - 2 Directors**
 - 6 Supervisors**
- 10 Program Support**
 - 3 Program
Administration**
 - 2 Training Officers**



Inspection Priorities

1. Imminent danger
2. Fatal accidents and catastrophes
3. Employee complaints
4. Programmed inspections
5. Follow-up inspections



Time of Inspection

- **Inspections must be made during regular working hours of the establishment**
- **The OMT Director/Supervisor must approve entry for other than daytime working hours.**



MNOSHA Investigators (OSHIs)

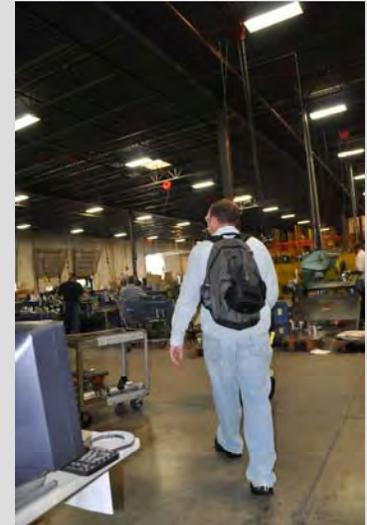
Allowed to:

Enter without delay.

Investigate within reasonable limits/manner.

Inspect structures, machines, apparatus,
devices, equipment and materials therein.

Question privately any
employer, owner, operator,
agent or employee.



What MNOSHA Enforces



- **Federal Standards
29 CFR 1910 and
1926,**
- **Minnesota Statutes
Chapter 182,**
- **Minnesota Rules
5205, 5206, 5207,
5208, 5210, 5215**

The Inspection Process

- **All places of employment in the State of Minnesota, both in the private and public sectors are covered by MNOSHA jurisdiction.**

Exceptions:

- **Farming operations with 10 or fewer non-family employees;**
- **Federal government operations;**
- **Indian Reservations;**
- **Domestic employees**
- **Work activities where there is no employer/employee relationship.**



The Inspection Process

Entry

- The investigator shall enter the establishment to be inspected conveying a professional approach toward workplace safety and health.
- Investigator must present official credentials and ask to meet an appropriate employer representative.



Minnesota Statutes § 182.659, Subd. 1

In order to carry out the purposes of this chapter, the commissioner, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized to enter without delay and at reasonable times any place of employment; and to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

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The Inspection Process

Opening conference:

- OSHI will show credentials to the employer;
- In the opening conference, the OSHI will inform the employer and the employee representative of the purpose and scope of the inspection.
 - Comprehensive
 - Partial



The Inspection Process

Opening conference:

- Check for recent inspections;
- Check for a multi-employer work site;
- Check for Records of Required Programs;
- Explain General Duty Clause;
- Explain Trade Secret Protection;
- Discuss the Use of Cameras and;
Monitoring Equipment.

The Inspection Process

Walkaround Inspection

- **The purpose of the walkaround is to:**
 - identify potential safety and/or health hazards in the workplace;
 - determine whether the employer is complying with safety and health standards.



The Inspection Process

Walkaround Inspection:

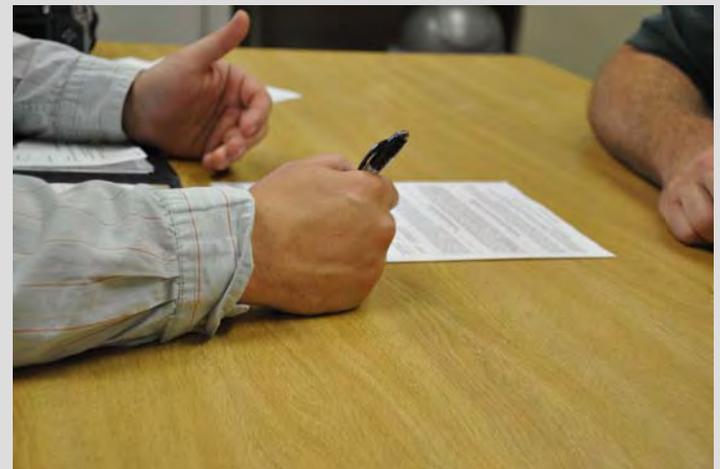
- Employee Interviews;
- Documenting Apparent Violations;
- Documenting Observed Hazards;
- Documenting Unobserved Exposure;
- Documenting Additional Factors for Health Hazards



The Inspection Process

Closing Conference:

- At the conclusion of an inspection, the OSHI will conduct a closing conference;
- The closing conference may be conducted on site or by telephone as deemed appropriate by the OSHI.



The Inspection Process

Closing Conference:

- Violations
- Abatement Methods
- Abatement of Health Hazards
- Abatement Time Periods
- Explain Citation Package
- Explain Contestation Rights



The Inspection Process

Closing Conference:

- **Citation Posting**
- **Explain Requirements for Abatement Verification**
- **Procedures for Petition for Modification of Abatement Date**
- **Explain Followup Inspections**
- **Provide Outreach Assistance**

The Inspection Process



Types of Violations:

Willful

Repeat

Serious

Non-Serious

The Inspection Process

Supporting Citations

OSHA-1B Worksheet - the full account of employee exposure to the hazard:

- **Observations;**
- **Measurements;**
- **Interviews;**
- **Pictures;**
- **Any other information which supports the alleged violation .**

The Inspection Process

Supporting Citations

OSHA-1B Worksheet:

- Description of Hazard;
- Evidence Which Supports Basis for Alleged Violation;
- How requirements of standard were violated;
- Evidence of employee exposure;
- Evidence of employer/employee relationship.



Contestations

MN Stat. §182.661 and Minnesota Rules Chapter 5210 enables employers, employees, and legal representative of employees the right to file a Notice of Contest regarding:

- the citation;
- type of violation;
- penalty and/or abatement date.



Contest Period

Employers, employees, and authorized employee representatives have 20 calendar days to serve the Notice of Contest Form.

For determining the contest period, the 20 days runs from the employer receipt date to the date that the Notice of Contest was received by mail or fax at MNOSHA.

Contestations

After receiving a properly filed Notice of Contest, MNOSHA will attempt to meet with the contesting party to discuss the contest and possible settlement of the contested issues.



This material can be provided to you in a different format (Braille, large print or audiotape) if you call the MNOSHA Training/Outreach Office at (651) 284-5050; toll-free 1-877-470-OSHA (1-877-470-6742) or via TTY (651) 297-4198.

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