

DOSH Inspections

Types of Inspection

In order to conduct an inspection, the agency must have probable cause. Probable cause is generally obtained by looking at your past record of record of accidents and other factors to trigger a comprehensive inspection. The other way the agency can obtain probable cause for an inspection occurs when there is a complaint about your operation. By law, an inspection incident to complaint is a limited inspection. For this type of inspection, the inspector must provide you with a copy of the complaint and you can limit the inspection to the items in the complaint. See “Inspections Incident to a Complaint” below.

The following is a list of inspections by priority—Imminent Danger, Fatality/Catastrophe Investigations, Complaints, and Programmed Inspections. It is crucial that you determine the type of inspection before the inspection begins.

Before Any Inspection

Before any inspection, you must train your employees on what to do when an inspector arrives. You have important rights as a property owner. DOSH inspectors must ask permission before entering your property to conduct an inspection. You have the right to accompany the inspector and in some cases limit the scope of the inspection. However, if an employee grants permission to the inspector, the inspector can conduct a comprehensive inspection without your knowledge.

Inspectors are trained to identify themselves and ask permission to conduct the inspection. We advise you to train your employees that they cannot give permission to anyone to enter the business or conduct an inspection. We advise you to make this a company policy: “Employees are not allowed to grant permission to any inspector to enter property. If an inspector approaches you, you should politely direct the inspector to your manager.”

You should designate the employees who can grant permission to enter your property to conduct an inspection, train them in proper entry procedures and train other employees that these are the only people who can speak with government agents.

Finally, you should post your property with signs alerting visitors to report to the office. Nearly every agency has a procedure that requires agents to stop and ask permission when they encounter such signs. Farm Bureau makes these signs available for a nominal fee.

When the Inspector Arrives

Inspectors have a job to do, and so do you. Be courteous and respectful of the inspector's time. Take a copy of their card and spend a minute to determine the scope of the inspection.

Farm Bureau encourages our members to grant permission to inspectors to conduct an inspection. However, you may be in the middle of harvest, and it may be impossible for you to break away when the inspector arrives, or it may become obvious that this inspection will result in many costly citations. If this is the case, you may deny the inspector permission to conduct the inspection. Do this in a professional manner. Explain that your operation is at a critical time and offer to reschedule for one week later.

If you attempt to reschedule, the inspector will tell you that this is impossible and try to force you to conduct the inspection right now. However, without your permission, the inspection cannot proceed. The inspector may threaten you with a search warrant. Farm Bureau does not believe that the law currently allows DOSH inspectors to obtain a warrant.

If you ask the inspector to reschedule or you refuse entry, you should immediately call a Farm Bureau safety inspector to request a walk through inspection. Call 800-331-3276 to obtain a referral to a safety director.

Inspections Incident to Complaint

As stated above, an inspector may state that the reason for an inspection is that they have received a complaint or a referral. A business has the absolute right to view a complaint prior to a DOSH inspection. RCW 49.17.110 provides that a copy of the notice of complaint shall be provided to the employer not later than the date of inspection, with the name of the complainant deleted if confidentiality was requested. Further guidance directing inspectors to provide a copy of the complaint is contained in the DOSH compliance manual. (This manual provides guidance only and does not carry the force of law.) In some situations, complaints are received orally. In such a case, the employer may ask the inspector to provide a letter detailing the substance of the complaint and the specific areas of inspection pursuant to the complaint. If the inspector refuses, the employer should not provide permission to enter the property.

An inspection pursuant to a complaint can best be limited to the areas specified in the complaint if the employer specifically requests that the inspection be limited to the complaint areas or to an accident machine. The employer should discuss the complaint with the inspector and obtain an agreement on the areas to be inspected prior to beginning the inspection.

The inspector may be unwilling to limit the inspection. If, after determining that the inspection is pursuant to a complaint, the inspector refuses to limit the inspection to items contained in

the complaint or if there is disagreement over what items will be inspected, the employer should deny permission to inspect any area that is not reasonably related to the complaint. If you are unable to agree on the scope of the inspection, you should deny permission for those areas of disagreement and contact a Farm Bureau safety director.

Conduct During the Inspection

Inspections start with an opening conference in which the inspector explains the scope of the inspection and explains the employer's rights and obligations. Take this opportunity to establish rapport and professional courtesy with the inspector.

You have the right to accompany the inspector and you should. The inspector may also ask for an employee representative. Do not allow an inspector to be unsupervised. Inspectors often ask if they can show themselves around and offer to meet you back at your office after they look at one thing. This is an invitation for a disaster. In one case an inspector who stated that he was just going to check a toilet facility was found 30 minutes later in a chemical storage locker.

Closing the Inspection

At the conclusion of an inspection, the inspector shall conduct a closing conference with the employer and the employee representatives. The inspector will describe the apparent violations found during the inspection and other pertinent issues as necessary. This procedure will ensure that all are made aware and are informed of violations and proposed citations. The closing conference is the final step of the inspection. At this time the inspector will discuss how violations are abated and what time frame is needed to achieve abatement. Inspectors will have a checklist that they are required to follow when conducting the closing conference.