

	COMPANY HEALTH AND SAFETY PROGRAM	
	Document No. 1.3	Date: August 2, 2006
	Inspection Policy - Regulatory Agencies	Revision: 0

1.0 PURPOSE

The purpose of this policy is to provide guidelines for use in the event of an inspection by a compliance officer of any regulatory agency caused by an employee complaint, accident, or a scheduled general inspection.

2.0 SCOPE

This Policy applies to all departments, affiliates, subcontractors and joint ventures of HES.

3.0 POLICY

It is the policy of HES to voluntarily comply with all aspects of the Occupational Safety and Health Act of 1970 and all other regulatory agency codes, ordinances, or standards for which HES could be held accountable. HES will admit any lawfully delegated inspector or health compliance officer whom, upon presentation of proper credentials from a local, state, or federal regulatory agency, requests entry to conduct a site inspection. This policy however, is not intended to deprive the constitutional rights of our company or subcontractors, who have the right to request a warrant prior to allowing entry for an inspection of a work site. The Company and subcontractors must determine the need for a warrant prior to an inspection, and if one is requested, the inspector must be so informed upon his arrival at the work site.

4.0 NOTIFICATION

Any recipient of contact by a compliance officer or inspector representing a regulatory agency must immediately notify the Health & Safety Manager and advise him of the details concerning the contact. Upon receiving any information concerning a contact by a compliance officer or inspector representing a regulatory agency, the Health & Safety Manager will immediately notify the Director, Environmental Services and apprise him of the contact details.

5.0 FOCUSED INSPECTION AGENCY SPECIFIC GUIDELINES

1. The Focused Inspections Initiative policy applies only to construction safety inspections. Construction health inspections will continue to be conducted in accordance with current agency guidelines.
2. A project determined not to be eligible for a Focused Inspection shall be given a comprehensive inspection with the necessary time and resources to identify and document violations.

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3. A comprehensive inspection shall be conducted when there is no single controlling contractor responsible for all employers and employees on the project.
4. A request for a warrant will not affect the determination as to whether a project will receive a Focused Inspection.
5. On job sites where un-programmed inspections (complaints, fatalities, etc.) are being conducted, the determination as to whether to conduct a Focused Inspection shall be made only after the complaint or fatality has first been addressed.
6. All contractors and employee representatives shall, at some time during the inspection, be advised why a Focused or a comprehensive inspection is being conducted.
7. A brief justification will be included in each case file as to why a Focused Inspection was or was not conducted.
8. Although the walk-around inspection shall focus on the four leading hazards, citations shall be issued for any serious violations found during a Focused Inspection, and for any other than-serious violations which are not immediately abated. *Other than-serious violations which are immediately abated shall not be cited nor documented*
9. Only contractors on projects that qualify for a Focused Inspection will be eligible to receive a full good faith adjustment of 25%.

6.0 CONDUCT OF THE INSPECTION

The Inspecting Officer will present identification to the project supervisor, state the purpose of the visit, and request an opening conference be held with representatives of all subcontractors and workers.

Once the required personnel have been assembled, the Inspecting Officer will begin the opening conference with the following:

1. State the nature of the inspection being general or specific complaint, target industry, scheduled inspection, fatalities, etc.;
2. Indicate the approximate length of time the inspection will take;

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3. If the Inspecting Officer is from OSHA, he or she may request copies of the OSHA 200 form, safety programs, accident reports, inspection surveys, etc.;
4. The Inspecting Officer may not review any contract documents other than general conditions and similar documents. If contract documents are requested, refer the Inspecting Officer to the Health & Safety Manager;
5. Approve members of the inspection party. Each employer has the right to representation, however the Inspecting Officer has the right to choose the representative. Disruptive conduct by the employer/ employee representatives may be cause for dismissal from the inspection party;
6. If from OSHA, the Inspecting Officer may generally discuss the purpose of the OSHA Act, its sanctions, and the authority vested in the Inspecting Officer by the Act; and
7. Indicate that at the conclusion of the inspection, a closing conference will be held to confer regarding any alleged violations noted, to determine corrective actions and implementation schedule dates, and to answer questions.

7.0 INSPECTING OFFICER

The function of the Inspecting Officer is to identify conditions and/or acts that he or she considers unsafe and in violation of the regulatory agency standards promulgated by the regulatory agency he or she represents.

The Inspecting Officer may go wherever he or she deems necessary on the jobsite. Any amount of samples or measurements of importance, photographing of objects or personnel, and conducting interviews with employees may be performed by the Inspecting Officer. He or she can request copies of any literature, documents, or those parts of the contract, which relate to safety or industrial hygiene.

The Inspecting Officer may not violate any known safety regulations. He or she is responsible for providing and wearing whatever personal protective equipment is required for the job site. If the Inspecting Officer does not have the equipment and there is appropriate equipment available on the job site, it will be offered to the Inspecting Officer for use on the site.

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If the Inspecting Officer requests to view copies of employee medical records, advise the Inspecting Officer that the records are not at the jobsite, however the records will be made available to him or her once they are obtained. If the Inspecting Officer requests copies of medical records, the Inspecting Officer should be advised to submit a formal written request for the specific document(s) required.

Failure to comply with the job site safety program is cause for not permitting the Inspecting Officer on the job site, or stopping an inspection already under way. If it becomes necessary to do this, the supervisor of the project should immediately follow the following steps:

1. Advise the Inspecting Officer that he is in violation of the job site safety program and that he cannot conduct the inspection under the current conditions. Request that he or she comply with the safety program so the inspection may begin or continue.
2. If the Inspecting Officer fails to do so, discontinue participation in the inspection, immediately contact the Health & Safety Manager and the Area Director to whom the Inspecting Officer reports.

The Inspecting Officer may consult with employees regarding matters of safety and health to a level necessary for an effective inspection.

8.0 SUPERVISORS GUIDELINES

The supervisor in charge of the project should accompany the inspection party during the course of the inspection and abide by the following:

1. If the inspection is the result of an official complaint, request a copy of the complaint before commencing the inspection;
2. Develop a chronological record of the entire inspection. The record should include where the Inspecting Officer goes, which employees he talks to and for how long, whether he returns to a specific location previously inspected, any specific comments he makes regarding safety and health issues or any other issues mentioned. Once the inspection is completed, the information should be forwarded to the Health & Safety Manager;
3. Allow the Inspecting Officer to lead the inspection;
4. Do not allow unneeded personnel to accompany the inspection party;

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5. Do not harass, threaten, or otherwise intimidate the Inspecting Officer;
6. If photographs are taken, ask the reason for the photo and record this information. Make an effort to obtain similar photographs for the company to duplicate the Inspecting Officers photographs;
7. If air samples or any other type of samples are taken make an effort to have duplicate samples taken during the same time period and location;
8. Do not hesitate to refer the Inspecting Officer to the Health & Safety Manager for clarification of issues or answers to questions that present a problem for the supervisor.
9. Press members (i.e., newspapers, news media, etc.) are to be referred to the Director, Environmental Services or site project manager.

9.0 HARASSMENT

Local, state, and federal compliance officers or inspectors are not to be harassed or intimidated. Problems that arise from the inspection, which cannot be resolved are to be directed to the Health & Safety Manager. Federal and state agencies may impose severe penalties against persons and/or companies who fail to abide by this section.

10.0 CONCLUSIONS

The Project Manager must immediately complete the Inspection Report Form located at the end of this document once the inspection or contact has concluded. In the event HES intends to contest any citation or notice of violation, a detailed account of the inspection is essential. The report form should be completed within four hours of the conclusion of the inspection or contact and a copy faxed or delivered to the Health & Safety Manager.

11.0 CITATIONS AND PENALTIES

If a citation, penalty action, or notice of violation is received from a regulatory agency, the Health & Safety Manager shall be notified immediately.

The site project manager shall post a copy of the citation at or near the place where each alleged violation occurred. The citation must be posted for three working days or until the violation is corrected, whichever is longer. Failure to comply with posting requirements, even if the citation is contested, is punishable by a fine. NOTE: The assessed penalty portion of the fine does not have to be visible while the citation is posted. Once the citation, penalty action, or notice of

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violation has been received by the Health & Safety Manager any further communication with the regulatory agency will be handled through the Director, Environmental Services.

12.0 DISCIPLINARY ACTION

Any supervisor failing to notify the Health & Safety Manager or Director, Environmental Services of any contact by a compliance officer or inspector representing a regulatory agency citation, notice of violation, letter of complaint, etc. immediately upon receipt of these documents, will be subject to disciplinary action.

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Project Location: _____ Project No: _____

Project Manager: _____ Field Supervisor: _____

Date of Inspection: _____ Company Safety Officer Notified? _____

Identity of Inspector(s): _____

Name: _____ Title: _____

Regulatory Agency: _____

Address: _____

Phone No: _____

Name: _____ Title: _____

Regulatory Agency: _____

Address: _____

Phone No: _____

Reasons for Inspection as Stated: (Check applicable)

Employee Complaint (request and attach copy)

Random or Scheduled Inspection

Focused Inspection

Response to a Reported Incident

Follow-up Inspection

Customer or Subcontractor Inspection*

*Provide the Following:

Company Name: _____

Address: _____

Manager: _____ Phone No. _____

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Is this a multi-employer worksite? _____ YES _____ NO

Opening Conference:

Attendees name and title:

Significant Remarks with party identified:

Documents requested by Inspecting Officer: (check appropriately)

- | | |
|---|--|
| <input type="checkbox"/> OSHA 200 Log | <input type="checkbox"/> Medical Records |
| <input type="checkbox"/> Accident Reports | <input type="checkbox"/> Exposure Records |
| <input type="checkbox"/> Audiograms | <input type="checkbox"/> Posted Requirements |
| <input type="checkbox"/> Notification | <input type="checkbox"/> Disposal Records |
| <input type="checkbox"/> Other (list below) | |

Inspection:

Names and titles of persons involved in the inspection:

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Describe the inspection: (routes taken, areas questioned, etc.)

Describe significant comments made during the inspection:

Describe any measurements or samples collected:

Describe any photographs taken and location:

Interviews:

Persons interviewed and remarks made:

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Closing Conference:

Describe meeting: (persons involved, material exchanged, etc.)

Describe comments regarding citations, notice of violations, etc.:

Signed

Date
