



# OSHA Is Here...Are You Ready?

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# Objectives

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Applicability of OSHA to public sector employers.

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Responsibilities under the state plan.

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OSHA inspections, what to expect before, during, and after.

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How to prepare for an inspection before it begins.



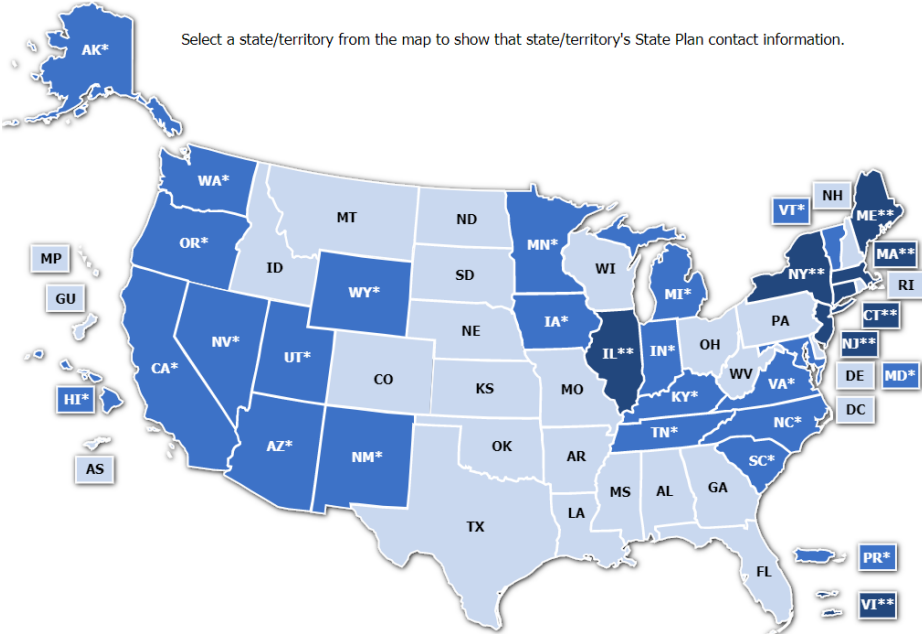
# OSHA State Plans



[Illinois State Plan](#)  
(820 ILCS 219)



Illinois Department of Labor  
(IDOL) [Illinois OSHA](#)



- ▮ This state's OSHA-approved State Plan covers private and state/local government workplaces.
- This state's OSHA-approved State Plan covers state/local government workers only.
- This state (with no asterisk \*) is a federal OSHA state.

Source: [www.osha.gov](http://www.osha.gov)



# ILOSHA Jurisdiction

Public Sector (Excluding Federal)

State Employers

County Employers

Local Government

Special Districts



\*\* This state's OSHA-approved State Plan covers state/local government workers only.

Source: [www.osha.gov](http://www.osha.gov)

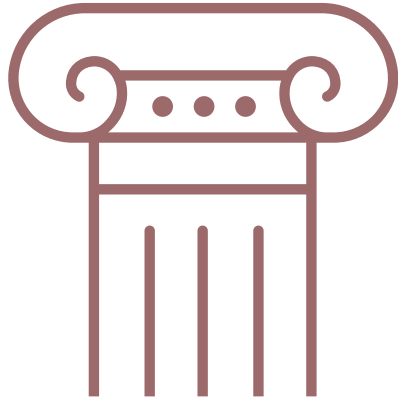
# Duties of Employers (820 ILCS 219/20)

- (a) Every public employer **must provide** reasonable protection to the lives, health, and safety of its employees and **must furnish** to each of its employee's employment and a workplace which are free from recognized hazards that cause or are likely to cause death or serious physical harm to its employees.
  
- (a) Every public employer **must comply** with the occupational safety and health standards promulgated under this Act.

# 820 ILCS 219/25

- a) All federal occupational safety and health standards which the United States Secretary of Labor has promulgated or modified in accordance with the **federal Occupational Safety and Health Act of 1970** and which are in effect on the effective date of this Act **shall be and are hereby made rules of the Department...**

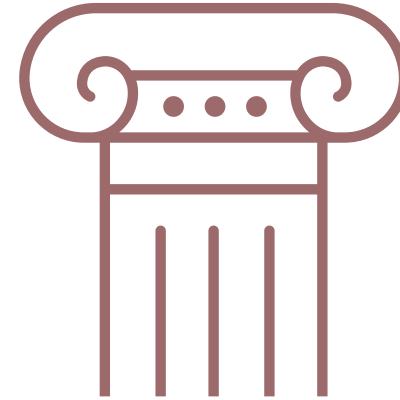
# 3 Pillars of Hazard Management



**Evaluation**  
**(written programs)**



**Education**  
**(training programs)**



**Enforcement**  
**(accountability)**

# Commonly Inspected OSHA Programs

- 1) Injury and Illness Reporting and Recordkeeping (29 CFR 1904.01 – 1904.04)
- 2) Fall Protection (29 CFR 1910 Subpart D, 1910.140, 29 CFR 1926.500-.503)
- 3) Emergency Action Plans (29 CFR 1910.38)
- 4) Occupational Noise Exposure (29 CFR 1910.95)
- 5) Hazardous Waste Operations (29 CFR 1910.120)
- 6) Personal Protective Equipment (29 CFR 1910.132-139)
- 7) Respiratory Protection (29 CFR 1910.134)
- 8) Confined Spaces (29 CFR 1910.146)
- 9) Lockout Tagout (29 CFR 1910.147)
- 10) Medical Services and First Aid (29 CFR 1910.151)



# Commonly Inspected OSHA Programs

- 11) Powered Industrial Trucks (29 CFR 1910.178)
- 12) Welding, Cutting, and Brazing (Hot Work) (29 CFR 1910.252)
- 13) Logging Operations (29 CFR 1910.266)
- 14) Electrical Safety (29 CFR 1910.269 / NFPA 70E, 29 CFR 1910.331-335)
- 15) Lead (29 CFR 1910.1025)
- 16) Bloodborne Pathogens (29 CFR 1910.1030)
- 17) Respirable Silica (29 CFR 1910.1053 and 1926.1153)
- 18) Hazard Communication (29 CFR 1910.1200)
- 19) Trench and Shoring (29 CFR 1926.650-652)
- 20) Aerial Lifts (29 CFR 1926.453)

# *Resources*

- [ILOSHA Commonly Overlooked – Public Works](#)
- [ILGA Code Part 350 – Health and Safety](#)
- [29 CFR 1910 Standards](#)
- [29 CFR 1926 Standards](#)
- [Required Job Safety and Health Poster](#)

# Inspection Types

## Programmed

- Planned by ILOSHA

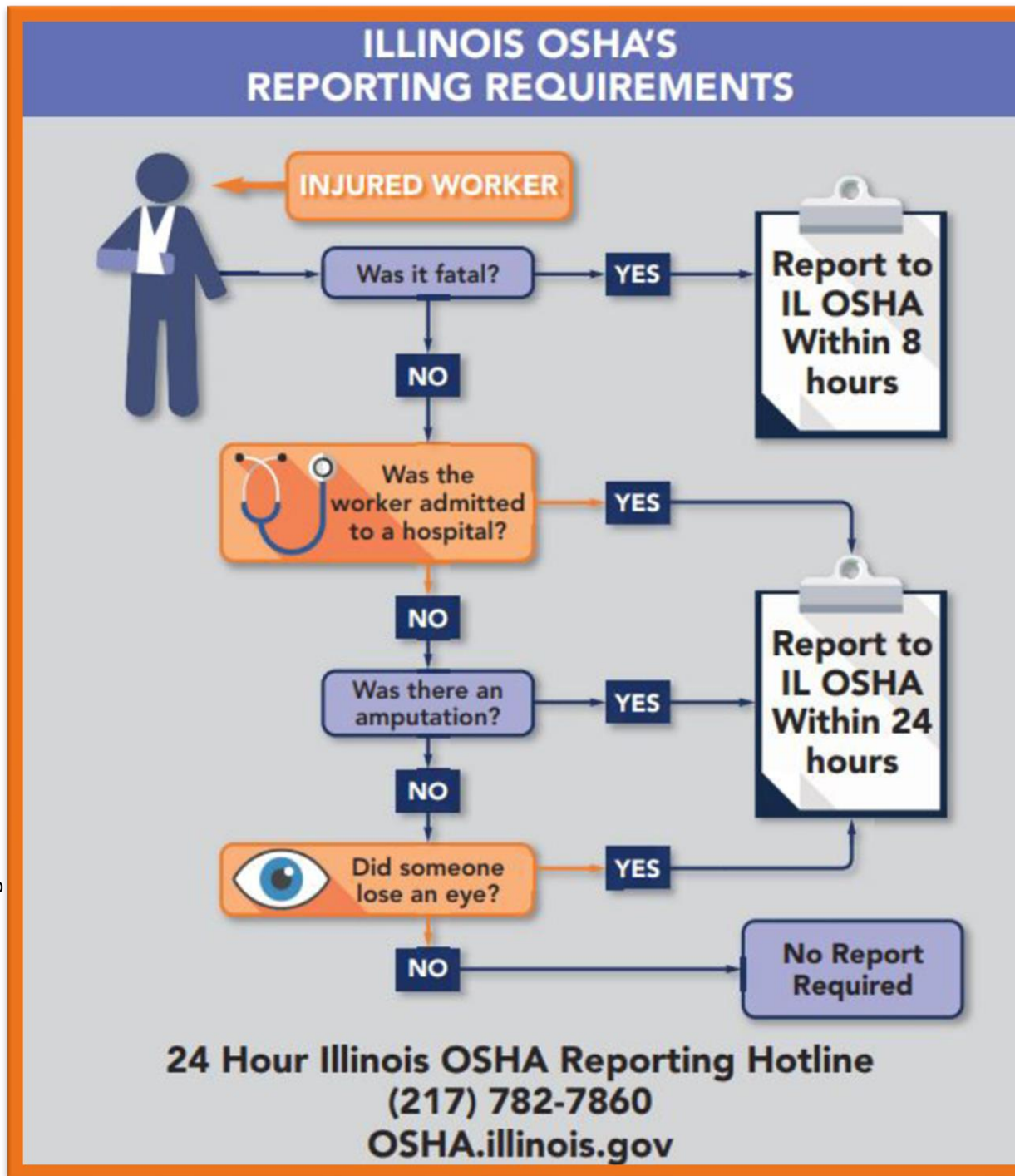
## Unprogrammed

- Complaints
- Referrals
- Imminent Danger
- Fatality or Catastrophe Reports

# Reporting Requirements

## [Reporting Requirements Infographic](#)

Source: [www.osha.illinois.gov](http://www.osha.illinois.gov)



DEPARTMENT OF LABOR

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217-782-9386 Fax: 217-785-8776  
DOL.Safety@illinois.gov



# Post-Injury Investigation

December 19, 2022

Redacted

RE: IL-OSHA Activity No. Redacted

Redacted

This letter is in reference to the employee injured at your location. Please take some important steps you should be taking to ensure the safety of your employees for an IL-OSHA inspection.

In most cases, a serious injury indicates the presence of a safety hazard and the safety of other workers. IL-OSHA is very concerned about the safety of workers who are at risk of being injured. As we discussed, it is in every worker's best interest to investigate to determine the reasons for the work-related incident and to implement corrective actions.

### Please complete each of the following by January 4, 2023

- Conduct an incident investigation. (See Non-Mandatory Investigative Tool – Attachment A)
- Provide IL-OSHA with written, signed documentation of findings from the investigation.
- Provide IL-OSHA with written, signed abatement certification documenting action taken to correct hazards related to the incident.
- Support findings with documentation, including any applicable measurements or monitoring results, and photographs/video which you believe would be helpful, as well as a description of any corrective action you have taken or are in the process of taking, including documentation of the corrected condition. Send the investigation response to [DOL.Safety@illinois.gov](mailto:DOL.Safety@illinois.gov)
- Post a copy of this letter in a conspicuous place where all affected employees will have notice or near the location where the incident occurred.
- Email a copy of the signed Certificate of Posting (Attachment B) to [DOL.Safety@illinois.gov](mailto:DOL.Safety@illinois.gov)

# Onsite Inspection Overview

Preparation (by OSHA)

Presenting Credentials

Opening Conference

Walkaround

Closing Conference

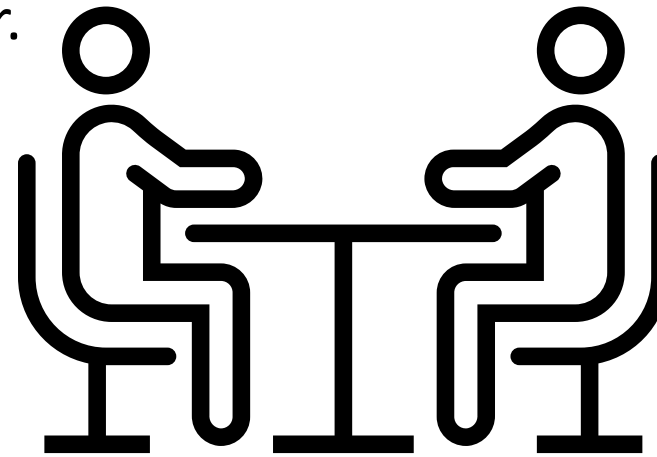
# Employee Interviews

[OSHA's Whistleblower Protection Program](#)

[SHRM Article: Employee Interviews](#)

Employees have the right to speak freely or to deny speaking with the compliance officer.

The compliance officer has the right to interview employees privately.



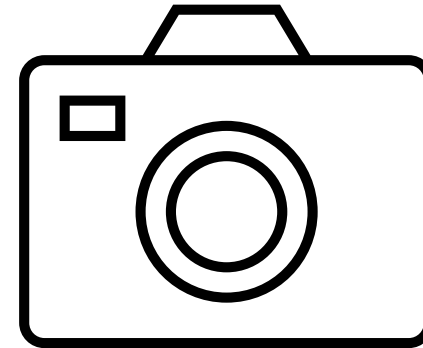
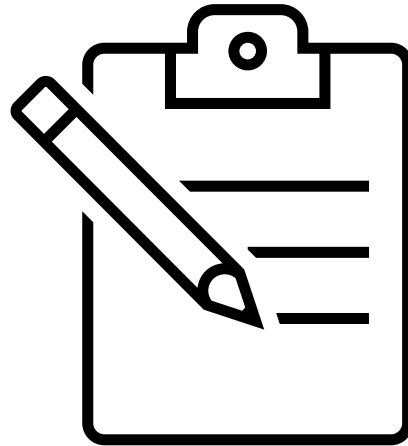
Employees should always be encouraged to tell the truth and stick to the facts.

# Document the Inspection

If the compliance officer takes a photograph, take the same photograph.

Remember:

If a violation is alleged, it is just an allegation; they still must prove it!



Take detailed notes of items pointed out by the compliance officer, questions, and conversations.



# Inspection Report Response

Upon receipt by top of organization:

1. Post citation notice at or near violation occurrence.
2. Choose an option and respond within 15 working days.

## Option #1 – Correct the Violations

- Ensure cited violations are corrected by the deadlines, and do not contest.

## Option #2 – Informal Conference

- Discuss citations with ILOSHA. May lead to changes in penalty amount, due date, or correction deadlines.

## Option #3 - Contest

- Contest the citation, penalties, and/or correction deadlines through a formal legal process.

# Option #1 - Abatement

Corrected During  
Inspection

Abatement  
Documentation

30 Days Good Faith  
Extensions

# Abatement

**Instructions:**

1. Please complete this abatement certification form and e-mail or mail it to your assigned inspector before the abatement date indicated on each citation.
2. Enter the date you corrected the hazard and describe the corrective actions taken to remove the hazard.
3. Enclose additional supporting documentation (receipts, photos, proof of training, written programs etc.).

Citation/Item Number	Abatement Due Date	Standard Cited	Hazard Corrected Date	Describe Corrective Action Taken to Remove the hazard
Citation 1 Item 1	January 09, 2023	Serious		
Citation 1 Item 2	January 09, 2023	Serious		
Citation 1 Item 3	January 09, 2023	Serious		

# Abatement

Date by Which Violation Must Be Abated:

January 09, 2023

Proposed Penalty:

\$0.00

Citation 1 Item 3 Type of Violation: Serious

29 CFR 1910.95(d)(1): When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall develop and implement a monitoring program.

On or about September 8, 2022, while conducting an inspection it was revealed that the employer failed to conduct a noise study to monitor the noise of various equipment of the public works department. The employer failed to ensure that the noise level from the various equipment that the employees use did not exceed permissible exposure levels. This type of noise monitoring study would protect the employees from hazards resulting from high noise levels.

The employer is aware that the noise sampling is needed because it was pointing out to the Assistant during the closing conference. It was also pointed out to the water dept. manager during the walk around. The employer acknowledged that they utilize hearing protection during the course of the day, since the employees are exposed to loud machinery noises. The employees are exposed to loud noise hazards since they are constantly in these areas and uses various types of hearing protection on a daily basis.

Abatement documentation in the form of an electronic or hard copy of a written hearing noise study that meets the requirements of the standard. The noise study should include documentation of the effect on the employees which may be exposed. In addition, a signed Abatement Certification Form

Citation 1 Item 9 Type of Violation: Serious

29 CFR 1910.119(n): Emergency planning and response. The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of 29 CFR 1910.38. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in 29 CFR 1910.120 (a), (p) and (q).

On or about September 8, 2022, it was disclosed that the wastewater treatment facility has an amount of chemical above the threshold listed in Appendix A of the standard, where a Process Safety Management (PSM) of a highly hazardous Chemical. As of October 25, 2022, Illinois OSHA has yet to receive said documentation.

Abatement will be a multi-step process where the employer will provide detailed monthly updates leading to the full implementation of the PSM.

30-days for a rough outline

60-days rough draft

90-days final draft

120-days training of all affected employees

150-days full implementation

# Option #2 – Informal Conference

Discuss & Clarify

Penalty & Deadlines

Affirmative Defense

To establish affirmative defense, employers must show all the following elements:

- A work rule adequate to prevent the violation
- Effective communication of the rule to employees
- Methods for discovering violations of work rules
- Effective enforcement of rules when violations

# Option #3 - Formal Contest

Bring in Council

Reduce Classification

Reduce Penalty

An employer's Notice of Contest must clearly state what is specifically being contested identify to which item(s) of the citation, penalty, the abatement date, or any combination of these being objected.

# Keys to Success



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Establish a Plan

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Designate Employees

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Brief Everyone

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Get in the Right Frame of Mind

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Familiarize Yourself With Standards

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Focus on Documentation

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Consider Consultation



Source: [www.worksafe.illinois.gov](http://www.worksafe.illinois.gov)

<https://worksafe.illinois.gov/>

- Voluntary and confidential
- Priority is small-medium employers (250 or less)
- Employer receives an on-site consultation
- Must correct any items deemed “serious”
- Opportunity to achieve SHARP status
  - *Worksites that receive SHARP recognition are exempt from OSHA programmed inspections for up to 2 years, and subsequent renewal for up to 3 years.*



Q & A

You have

Questions

We have

Answers

IRMA



**THANK YOU!**