

## **REGULATORY COMPLIANCE INSPECTION POLICY**

### **Policy and Scope**

It is the policy of MAPP Construction, LLC to comply with all applicable governmental regulations concerning the safety and health of employees. It is also MAPP Construction, LLC policy to fulfill its responsibilities by cooperating with duly authorized compliance inspectors while preserving its rights as an employer. This policy establishes minimum guidelines for company representatives in handling any on-site governmental safety and/or health inspection. This policy applies to all MAPP Divisions and jobsites operating in the United States.

### **Responsibility**

The MAPP Corporate Safety Department is responsible for issuing the Regulatory Compliance Inspection Policy and updating the policy as necessary to comply with current regulations.

All MAPP employees shall maintain familiarity with this policy. In the event of a safety and/or health inspection, the Project Manager or Site Superintendent shall act as the company representative. The MAPP Safety Department(s), if available, shall also be present to assist site management in this role.

### **General**

The Occupational Safety and Health (OSH) Act of 1970 grants representatives of the Department of Labor the right to inspect any place of employment in order to determine whether an employer is in compliance with the Act's safety and health standards. Compliance inspections are initiated and prioritized based upon the following criteria:

- o ***Imminent Danger*** of death or serious physical harm.
- o ***Catastrophe or Fatal Accident*** investigations of fatalities and accidents resulting in hospitalization of five or more employees.
- o ***Employee Complaint*** - The employee's identity remains confidential, though OSHA is required to furnish a written copy of the complaint to the employer.
- o ***Referral*** by another government agency.
- o ***Programmed Inspection*** of high hazard industries.
- o ***Follow-up Inspection*** to determine if previously cited violations have been abated.

The following are general guidelines which the compliance officer can be expected to adhere to during the course of a safety and/or health inspection:

- Inspections will normally be made during the regular working hours of the facility. Advance notice of inspections is generally prohibited by the OSHA Act except under specific circumstances.
- The OSHA compliance officer will display his or her official credentials and request to meet the employer representative.
- The compliance officer may be required by an employer to obtain a search warrant based on probable cause prior to the inspection. It is the policy of the MAPP not to exercise this right unless specifically advised otherwise by Corporate Legal.
- The compliance officer must state the reason for the inspection, i.e., imminent danger, employee complaint, etc.
- Forcible interference with the conduct of inspections or other official duties of the compliance officer or other OSHA personnel is a criminal offense.
- Cameras and sampling equipment, such as noise dosimeters and air sampling meters, may be used by the compliance officer.
- Under the "plain view" exception, OSHA may issue a citation for any observed violations, even though the subject of the alleged violation is outside the scope of the consent.

MAPP representatives shall:

- Immediately upon notification of an OSHA inspection, begin a written log of the inspection. Note the time of arrival, breaks, opening and closing conference, departure, etc. Take thorough and accurate notes of everything the compliance officer mentions or questions during the inspection, including conversations with employees if not held in private. This log, along with the Regulatory Inspection Form, will subsequently be relied upon in enforcement proceedings or settlement negotiations if citations are issued.
- Notify the Safety Department and Senior Project Manager of the inspection.
- Request and photocopy the compliance officer's credentials. If questionable, you may contact the appropriate OSHA Regional Office to verify the officer's identity.
- Request the reason for the visit. If the reason is due to an employee complaint, a copy of the written complaint shall be requested.
- Remain cordial and cooperative during the inspection process. Ensure the compliance officer is escorted **at all times** while on the site. Designate an office or area for the compliance officer to examine records.
- Bring any requested records to the officer rather than allowing unrestricted access to files.
- Obvious alleged violations pointed out by the compliance officer shall be corrected immediately, if practicable. This exhibits "good faith" which reflects the MAPP's concern for safety. This "good faith" effort may also avoid a citation.

### **Opening Conference**

The compliance officer is required to conduct an opening conference prior to any walk-through or physical inspection. The MAPP company representative(s), the company Safety Representative(s), if available, shall be in attendance. The compliance officer shall furnish a copy of the employee complaint or warrant, if applicable, and state the reason for the inspection. Additionally, the compliance officer will:

- Outline, in general terms, the scope of the inspection, including records review, employee interviews, physical inspection, and the closing conference with management to discuss the inspection findings.
- Provide copies of laws, standards, regulations, and promotion materials, as applicable.
- Provide information on how additional copies of other applicable materials may be obtained.

### **Review of Records**

During the inspection, the compliance officer may request to review specific safety and health related records. OSHA 300 logs, if requested, will be reviewed to determine whether the site's Lost Workday Incident (LWDI) rate is in excess of the industry average. A high LWDI rate may trigger a more comprehensive inspection. The OSHA 300 record logs are kept at the MAPP Corporate Office in Baton Rouge, LA and can be produced to the compliance officer upon request. The compliance officer may review other records such as:

- OSHA 301 or equivalent (individual injury log)
- Required specific written programs contained in the MAPP Safety Manual
- Required equipment inspection and maintenance records, and
- Compliance with posting requirements.

### **Physical Inspection**

- The compliance officer shall be required to comply with all applicable facility safety rules, including those prescribing personal protective equipment.
- The MAPP representative shall take detailed notes of everything the compliance officer mentions or questions during the inspection, including conversations between the compliance officer and any

employees, if the conversations are not held in private. If employees elect to have private interviews, a notation shall be made to this effect.

- Additionally, photographs should be taken of everything the compliance officer photographs or points out as questionable.
- Answer all questions honestly, but do not volunteer any information. This will often lead to expanding the scope of the inspection.
- Also, if the inspector identifies a violation do not attempt to provide an explanation, state it is a violation or defend the occurrence. This could be considered an admission of guilt. Alleged violations that are obvious shall be corrected immediately, if practicable. This is not an admission of guilt, but rather demonstrates a good faith effort to comply with regulations and to ensure the safety of employees.
- Any alleged violations that are questionable should be discussed with the compliance officer and so documented in the notes.
- The MAPP representative shall take duplicate samples (e.g., labels, etc.) of those which the compliance officer takes.
- Efforts shall be made to confine the scope of the inspection and employee interviews to those in the written complaint or as discussed in the opening conference. This can often be accomplished by determining the route to the location.
- If there is disagreement on the scope of the investigation, a break shall be suggested and all parties will reconvene in the conference room to discuss the issue. In an attempt to resolve the dispute, the Safety Representative may be contacted. The compliance officer shall be extended the courtesy to call the OSHA supervisor.
- Copies of internal reports, such as safety audit reports, accident investigation reports, or other investigation records, shall only be made available to the compliance officer upon specific request or when the MAPP Representative deems this information will support MAPP's position on an issue. Copies of any such reports provided to the compliance officer shall be attached to the Regulatory Inspection Form.
- OSHA compliance officers are also trained in the pertinent regulations enforced by other government agencies. Any apparent violations will be referred by OSHA to the appropriate agency.

### **Closing Conference**

- A closing conference will be held after the physical inspection. The MAPP Representative shall resist any effort on the part of the compliance officer to defer the closing conference to a later date.
- All personnel in attendance at the opening conference shall attend the closing conference.
- The closing conference is conducted to advise MAPP of any violations observed and abatement requirements.
- The compliance officer will provide copies of and explain any regulations allegedly violated. Official citations are issued only by the OSHA Area Director after the inspection. The compliance officer will not provide a written summary at the time of the closing conference. Therefore, it is critical that the MAPP representative takes complete and accurate notes. A copy of the compliance officer's written summary may later be obtained from the Area Director upon request.
- The MAPP representative shall make no statements during the closing conference that could be construed as an admission of the alleged violations at issue or as a limitation of MAPP's right to contest the citation. Admissions of liability may be used against MAPP in later enforcement proceedings, if convened.
- The MAPP representative should use this forum as a means to determine:
  - If the inspection is the result of a complaint, whether or not the compliance officer feels the complaint is justified.

- If any deficiencies were noted during the inspection.
  - If any citations are forthcoming.
- The MAPP representative may brief the compliance officer on any aspects of the MAPP Safety Program, which specifically relate to any alleged violations.
- The compliance officer shall be encouraged to set reasonable abatement periods for any alleged violations being contemplated.

### **Post-Inspection Procedures**

- The Safety Department shall be updated on the outcome of the OSHA inspection. The Regulatory Inspection Form shall be completed and submitted to the Safety Department within 3 business days along with any photographs taken.
- The notes taken during the inspection shall be maintained and a copy should be attached to the Regulatory Inspection Form.
- Any alleged violations mentioned by the compliance officer that are apparent shall be corrected as soon as possible. All corrective actions taken shall be reported in writing to the Safety Department.

### **Follow-up Inspection**

- A return visit by the compliance officer may be made at any time after the initial inspection. This inspection may be conducted to verify:
  - the citation has been posted as required,
  - violations as noted in the citation have been corrected,
  - employees are adequately protected during the abatement period
  - An appropriate administrative or engineering abatement steps have been taken.
- If a return visit occurs and the compliance officer finds that abatement has not been completed by the designated abatement date, additional penalties can be assessed up to \$1,000 per day per employee exposed for each citation concerned until abatement.

Reference: [Regulatory Inspection Form](#)