



EHS Written Practice Directive

Regulatory Agency Inspections – How To Prepare and Respond

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Department: Environmental, Health & Safety
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Effective Date: January 1, 2017
Revised Date: August 10, 2024

Authority:

Cal/OSHA Title 8 §3203 Injury Illness Prevention Program
Other regulatory agencies that require inspections

Objective:

Define procedures for responding to regulatory agency inspections.

Statement:

As part of its normal operations, SFSU engages in activities that are regulated by Federal, State, and Local agencies. By law, these agencies are required to conduct inspections to ensure compliance with agency regulations.

Types of Regulatory Agency Inspections SFSU Typically Encounters:

- Permit compliance inspections (BAAQMD, Cal/OSHA, CUPA, SFDPH...)
- Hazardous materials / hazardous waste storage, underground storage tanks (CUPA, SFDPH...)
- Fire safety inspections (Cal-Fire, SFFD)
- Occupational health & safety (Cal/OSHA)

Announced vs. Unannounced Regulatory Agency Inspections:

- Permit compliance inspections may be periodic (e.g., annual) and by appointment, or for cause and unannounced.
- Safety (Cal/OSHA) inspections are generally unannounced, usually resulting from an employee complaint or following a workplace accident. Their inspection procedures are very structured and formal.

Procedures:

To prepare for regulatory agency inspections, EH&S has created:

- A List of: Regulatory Agencies, Inspection Subjects, and SFSU Contacts 8.10.24
- A List of: Regulatory Agency Inspections - Requested Documents and Their Locations

In addition, below is a general guideline to assist you in responding when a regulatory agency inspector shows up at SFSU.

General Guidelines For Responding When A Regulatory Agency Inspector Shows Up At SFSU:

This section applies to the receptionist, or other person who may be in a position to greet the inspector upon arrival.

What To Do When the Inspector Arrives

1. Be polite.
2. Establish their credentials - Ask for a business card (if the inspector does not offer first).
3. Based on the agency, locate and contact the appropriate contact person listed in Attachment 1.
4. Let the contact person know where and when they are to meet the inspector.
5. Important: If the regulatory agency is not listed on Attachment 1, contact EH&S immediately for assistance, and let the inspector know who is coming to meet with them

This section applies to the designated SFSU Escort responsible for accompanying the inspector during the inspection.

Before Beginning the Inspection

Be polite. Remember, the inspector has the legal right to perform the inspection, and is just trying to do his/her job

1. Get a business card. Provide one of your business cards to the inspector.
In the case of a Cal/OSHA inspection, the compliance officer is required to produce credentials, which includes a California photo identification card, and a Cal/OSHA business card.
2. Contact the “SFSU Personnel to be Notified/ Included in the Inspection” (See Attachment 1) or delegate this task. The reasons are two-fold:
 - a. You may need to solicit technical assistance from this person during the inspection, and/or
 - b. As a courtesy, you need to alert key personnel of the department that a regulatory inspection is occurring in their area.
3. Find out from the inspector what areas or documents they would like to see.
Refer to the list of regulatory / compliance documents and their locations to locate the documents requested. (See attachment 1)

IMPORTANT NOTE: If this is a Cal/OSHA inspection, the process involves a structured protocol, beginning with an ***Opening Conference***. (See details in the next section.) If this is NOT an inspection, skip to section entitled “***What To Do During the Inspection.***”

This section applies to a Cal/OSHA inspection.

Opening Conference

1. After greeting the inspector, arrange for a suitable room to conduct the opening conference.
2. Alert all applicable SFSU personnel who should be part of the inspection where to meet for the Opening Conference, including the highest-ranking SFSU official available.
3. During the opening conference, exchange business cards.

4. Take notes. Be sure to include the date and time of the inspection, and the name of the Cal-CAL/OSHA Inspector.
5. The Cal/OSHA compliance officer will explain the scope of the inspection. In the case of an employee complaint, the CAL/OSHA inspector will NOT reveal the identity of the complainant. Other items covered by the inspector during the Opening Conference include:
 - a. Elements of the Cal/OSHA Program
 - b. Explanation of employer/employee/labor union rights
 - c. Description of walk-around procedures, including the possible need to conduct employee interviews and take photographs of the site.
 - d. Explanation that any hazards observed which constitute violations of Title 8, citations classified as regulatory, general, serious, willful, repeat, or failure-to-abate shall be issued and monetary penalties proposed, even if the employer is a public sector entity
 - e. Review of SFSU's Injury and Illness Prevention Program (IIPP)—either during the Opening Conference, or at a later date--and explanation of how an effective IIPP can benefit SFSU even if citations are issued
 - f. Verification that SFSU maintains the CAL/OSHA 300 Log
 - g. Examination of other permits
 - h. Inquiry of whether any PPE will be required to inspect areas of interest
 - i. Request for consent to proceed
6. Prior to the walk-around portion of the inspection, notify employee bargaining unit representatives, so they can be present to accompany the Cal/OSHA inspector during the walk-around.

This section includes general tips applicable to all regulatory compliance inspections.

What To Do During the Inspection

1. Be polite. Again, the inspector has the legal right to perform the inspection, and is just trying to do his/her job.
2. DO accompany the inspector during the walk-around.
 - a. Choose a route that makes the most sense. It may be the most direct route, or an exterior route if a building interior isn't part of the inspection.
 - b. Try to avoid areas that could be potentially problematic, unless they are part of the scope of the inspection.
3. Take photos of any observation noted by the inspector. If the inspector takes a photo, be sure to snap a photo of the same item/scenario.
4. If possible, fix any issues observed during the walk-around. If an item can be easily corrected on the spot, it will leave the inspector with a more favorable impression (and it will minimize the number of follow-up activities).
5. Answer questions directly.
 - a. Don't guess. If you don't know the answer to a question, contact someone at SFSU who can provide an answer; OR
 - b. If you're unable to get an answer right away, offer to find out the answer.
6. Be open and honest; however, avoid volunteering information that isn't requested by the inspector.
7. NEVER argue with the inspector. If there is an area of disagreement, continue to ask questions until the situation is properly clarified. If necessary, attempt to locate documentation to support your position, without being combative.
8. Take notes. Be sure to document any items that need to be corrected.

9. If the inspector wishes to review records following the walk-around, arrange for someone to retrieve them in advance, if possible, or at a minimum, see that someone is prepared to show them to the inspector.
10. If the inspector wishes to take copies of documents, be sure to make photocopies. Never release original copies of regulatory documents.
11. At the conclusion of the inspection, do one of the following:
 - a. Sign and retain a copy of the inspection report
 - b. Go over the list of issues with the inspector and confirm approximately if or when you should expect to receive a more formal inspection report
 - c. Proceed to the Closing Conference

This section applies to a Cal/OSHA inspection, or where an inspector has requested a more formal closing conference. NOTE: In some cases, a Cal/OSHA inspection may conclude with an “Exit Conference,” with a more formal “Closing Conference” being scheduled for a later date.

Closing Conference

1. If necessary, arrange for a room for the Closing Conference, and alert SFSU employees who may not have been part of the walk-around portion of the inspection to attend (if applicable).
2. Take notes.
3. During the Closing Conference, the Cal/OSHA inspector will:
 - a. Discuss all conditions affecting health & safety, noted during the walk-around;
 - b. Issue and explain any citations, notices, special orders to take action, etc.
 - c. Inform the employer if additional enforcement documents may be forthcoming.
 - d. Discuss methods to abate the alleged violations, etc.
 - e. Explain the proposed penalties for each citation, the penalty for failure to abate the item by the stated deadline, and penalty for a repeated violation in the future.

This section summarizes key activities to complete following a regulatory inspection.

Post-Inspection Activities

1. If required by Cal/OSHA, post a copy of the Citation, Notice, or Special order to Take Special Action at the required location.
2. Begin to close out findings ASAP. Do not wait for the final inspection report.
3. In the case of more complex action items, or issues that involve multiple departments, develop a formal Corrective Action Plan, with assigned responsibilities and proposed deadlines.
4. Track the closure status of the listed items.
5. Provide a written response to the regulatory agency on or before the required deadline.