**OSHA Inspection Guidelines**

**Mosaic Fertilizer, LLC**

Florida Operations

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Audience: All United States Locations

Associated Files: OSHA Inspection Checklist

**PURPOSE:**

These procedures provide guidance on managing inspections conducted by agencies responsible for the enforcement of health and safety regulations including the Occupational Safety and Health Administration (OSHA) and OSHA state plan states.

**GENERAL GUIDELINES FOR ALL DEPARTMENTS:**

**PRE-INSPECTION PLANNING AND PREPARATION:**

The following steps should be implemented *prior* to an inspection:

1. Designate an OSHA inspection team responsible for the OSHA inspection process. Identify the principal team leader, who will participate in the inspection and who will control documents. Insure appropriate backups have been designated.

2. Train all members of the inspection team, supervisors and other affected management personnel on procedures and conduct during an inspection.

3. All members of the team should review this guideline and/or specific business unit procedures annually.

4. Develop list (including names and phone numbers) of business unit and Corporate resources (Corporate EHS,
Law, Public Affairs) who may need to be contacted in the event of an inspection.

5. Insure that mandatory injury and illness records and required posting are current, available and posted where required. These include:

- OSHA Log 300 (Current year plus last four)
- OSHA Poster Access to Medical Records Notification (If applicable)
- Hearing Conservation Standard (If applicable)

1. Insure that required OSHA written programs are developed, current and presentable since they will likely be reviewed early in the inspection process. Key programs include:

- Hazard Communication
- Lockout/Tagout
- Emergency Action Plans
- Bloodborne Pathogens (If applicable)
- Confined Spaces (If applicable)
- Respiratory Protection (If applicable)

1. Identify any confidential and proprietary information.

INSPECTION SEQUENCE:

The following guidelines should be followed during an agency inspection.

Inspector Arrives:

1. Insure that the Compliance Officer (CO) is promptly greeted and that the receptionist/security guard are instructed to detain the CO until the inspection team leader is advised and can accompany the CO. Do not let the CO wander around.

2. Inspect the CO’s credentials. (Record name, CO identification number, agency, address and phone number).

3. Determine and record the purpose of the inspection. Does the inspector have a warrant? What type of inspection is this? General schedule, employee complaint, special emphasis,
fatality/catastrophe. If the inspection is the result of a formal employee complaint, obtain a copy of that complaint.

4. Review these guidelines, make appropriate phone calls and proceed to opening conference.

Note: Legally, OSHA must have a search warrant before it can insist on performing an inspection. In most cases, however, Mosaic does not require a warrant and will voluntarily consent to inspections. In some rare situations, Mosaic may require a warrant. Consult with your business unit, Corporate Environment Health and Safety (EHS) Department and Corporate Law Department if you feel a warrant should be required before allowing an inspection.

Opening Conference:

1. Clarify scope and purpose of inspection and areas to be inspected. If the inspection is the result of a specific event (complaint, fatality), inform the inspector the scope of the investigation will be limited to items/areas related to that event.

2. Determine what records or documents are to be reviewed. Inform OSHA that requests for records and documents will be controlled through one designated individual. All document requests should be logged and numbered.

3. Determine if areas to be inspected may contain proprietary information or trade secrets that may need to be protected. Agreement should be reached on how proprietary information is to be protected before the inspection begins.

Note: OSHA is allowed to access certain proprietary information, however, they are required to keep it confidential provided they have been informed of its confidentiality.

4. If pictures or videos are to be taken,
agree on how copies will be obtained. If proprietary information may be photographed, Mosaic should control processing and distribution.

5. Determine if the inspection will include monitoring for dust, noise, or other types of exposure which will require a device to worn by an employee.

*Note:* Under certain circumstances a delay in the inspection may be requested to allow side by side testing.

6. Review the above with business unit management (Operation manager/Safety coordinator) for instructions and to determine if the scope of inspection is to be limited. The inspection cannot proceed without business unit approval.

*Note:* Business unit contact has responsibility to ensure Corporate EHS and Law Department representative are notified of inspection.

**Record and Program Requests:**

1. Allow the CO to review injury and illness records (OSHA 300) if requested (Current year plus previous 4 years only).

2. Access to other OSHA required written programs (e.g., Hazcom, lockout, etc.) will also be given, but the CO's request should be logged and reviewed with business unit prior to release.

3. Employee medical records will not be released without a Medical Access Order and business unit and Law Department approval.

4. No other information (e.g. internal audits, etc.) is to be released without business unit and Law Department approval.

**Walk around:**
1. If the facility is represented by a union, an employee representative, designated by the union, should be allowed to accompany the inspection group. If nonunion, management can designate an employee representative.

2. At least two designated inspection team members should accompany the CO at all times.

3. Unless the inspection is a general program (wall to wall) inspection, it should be limited to the area of concern.

Note: Remember the CO is a visitor and should not be allowed access to equipment or locations where the CO could endanger himself or herself.

4. Always answer CO questions truthfully but do not volunteer information, written or oral, that is not specifically requested. You do not have to answer questions immediately. If in doubt, request the CO put the question in writing and consult with business unit.

5. Do not sign any statement or affidavit or other document presented by OSHA without prior business unit approval and Law Department review.

6. Do not verbally admit, imply or agree to any alleged violation during the inspection. If the CO comments that a condition may be a violation and asks how much time would be required to correct, a positive reply could be construed later as an admission of a violation.

Your response to such an inquiry should be to ask the CO to state exactly what the alleged violation is and what corrective action the CO recommends. Your answer should be based upon what the CO recommends, but do not agree that what is proposed is necessary or that
the condition is a violation.

7. Monitoring devices may be attached to employees provided the employee consents. Employees may refuse to wear a monitoring device. However, the CO may choose not to communicate this option.

8. The CO may talk to non-management employees in private during the inspection provided it does not substantially interfere with facility operations. If interviews do interfere, suggest that an interview be arranged after working hours.

Note: The employee does not have to consent to a private interview. If management is requested to participate, they should attend the interview.

9. If OSHA wishes to interview supervisors or management representatives, the inspection team leader should also attend.

10. Permit the CO to use cameras (including video), hand held noise meters or other such testing equipment provided such equipment is approved for use in that atmosphere. If there is any doubt regarding the safety of the device, do not permit its use.

11. Take good notes during the inspection recording all items the CO seems concerned about and the main comments or statements the CO makes.

12. Where photographs or videos are taken, duplicate pictures or videos should be taken of the same item at the same angle. The same goes for any measurements taken.

13. Correct any obviously deficient condition noted during the walk around immediately. When an immediate
correction is not possible, tag the equipment with a "DO NOT USE" tag.

14. Following each day's inspection, the inspection team should debrief and review the day's activity. The inspection status should be communicated daily with business unit management.

Closing Conference/Post Closing:

1. Establish the fact that the inspection has been concluded by asking the CO directly. If the answer is yes, record date and time.

2. The CO's offer of a closing conference should normally be accepted. However, we may ask it be postponed to allow appropriate management to attend if issues are significant. Consult with business unit prior to closing.

3. Use the closing conference to correct any errors and misunderstandings on the CO's part before any citation is issued. Record any issues that the inspector states to be a violation.

4. Attendance should be limited to key inspection team members.

5. Again do not volunteer any information, make admissions of violation, sign any documents (except receipts of documents you received) or make abatement date promises. However, in some cases where there is agreement on a violation, abatement date estimates may be made.

6. Following the closing conference, the management inspection team should meet to review all notes and comments.

7. Occasionally, following the closing, an inspector may contact a facility for further clarification or additional documents. Consult with business unit prior to providing any information.
RECEIPT OF CITATION:

1. Upon receipt of a citation, the document is to be date stamped and forwarded to the appropriate business unit Office. Business unit management is to forward a copy to the Law Department and Corporate EHS for review.

   *Note:* Time is of the essence. Any contest must be initiated within 15 working days from the receipt of the citation. However, in states with approved state OSHA plans this deadline may differ.

2. Notices of Citations are required to be posted "at or near" each place a violation referred to in the citation allegedly occurred. Citations must remain posted for three working days or until the violation is abated, whichever is later.

3. Where it is decided that there shall be no contest of certain citations, penalty payments applicable to those should be made to the appropriate agency. Correction of the violation must be accomplished within the specified abatement date.

4. It may be advantageous to arrange an informal conference with the OSHA Area Director. After consultation with business unit management, a decision on how to proceed will be made.

   *Note:* This must be conducted within the 15-day deadline for filing notice of contest, as scheduling or participating in an informal settlement conference does not extend the 15-day deadline for contesting the citation.

CONTESTING CITATIONS:

- If it is decided to contest any of the citations, proposed penalties or proposed abatement dates, a notice of contest must be sent to OSHA. This will be coordinated
with business unit management, Corporate EHS and Corporate Law.

ABATEMENT VERIFICATION:

- To bring a citation to closure, OSHA may require verification that a cited condition has been abated. Any written abatement verification information provided to OSHA is to be reviewed, prior to submission, with business unit management, Corporate EHS and Corporate Law.

METHOD OF COMMUNICATION:

If there are any questions regarding these guidelines please contact the Safety Manager.