

## Don't Misinterpret OSHA Requirements When Conducting Your Annual Lockout-Tagout Procedure Inspection

April 1, 2014 - One side benefit of conducting numerous OSHA training classes and mock-OSHA inspections every year is that I get an opportunity to pick up on trends where employers and employees seem to be struggling to comply with certain OSHA standards. So in this month's post, I want to discuss one specific part of OSHA's standard for The Control of Hazardous Energy (also known as the Lockout/Tagout standard) where, more times than not, the requirements of the standard are not being met.

The specific section of the Lockout/Tagout (LOTO) standard I am referring to in this post is paragraph 1910.147(c)(6)(i), which requires employers to "conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed". In essence, this standard requires the inspector (an authorized employee other than the ones(s) implementing the specific energy control procedure being inspected) to observe another authorized employee (or in some cases, employees) implement each Lockout/Tagout (LOTO) procedure once every year. More often than not, however, I am finding that many employers are conducting only one inspection of just one of their Lockout/Tagout (LOTO) procedures in place at their facility, as opposed to all of them.

The real culprit in this misunderstanding of the rules, I believe, lies in the wording used in the OSHA standard. It says the employer shall conduct an inspection of "the" energy control procedure. Many people have misinterpreted this singular-sounding statement to mean that they are only required to have one authorized person watch another authorized person implement the LOTO procedure for just one machine or piece of equipment, and they have met this requirement. But that is NOT the case. The correct approach is to have an authorized person (or persons) conduct an inspection of one (or more) authorized person implementing each and every one of the company's machine-specific Lockout/Tagout procedures (or group of like procedures).

How difficult is the Lockout/tagout standard to understand? To answer that, we only have to consider that OSHA issued a compliance directive ([CPL 02-00-147, effective 2/11/08](#)) to explain their enforcement policy and inspection procedures used by compliance officers to evaluate an employer's Control of Hazardous Energy (LOTO) Program, and it is a whopping 136 pages long. That's quite amazing, considering the actual LOTO standard itself is just a page or two long. But on the bright side, this particular compliance directive supplies employers with a wealth of information about how OSHA wants them to implement the various portions of their LOTO standard, including this requirement for procedure inspections (see page 3-65).

In section XVII of this compliance directive, which discusses the periodic inspection requirements, OSHA explains that each energy control procedure required by §1910.147(c)(4) must be separately inspected annually to ensure that the energy control procedure is adequate and is being properly implemented by the authorized employee in accordance with the LOTO standard. Each LOTO procedure inspection must include a demonstration of the procedures and must be performed while the authorized employee(s) perform servicing and/or maintenance activities on machines or equipment. The inspections may be accomplished through random audits, plant safety tours, or planned visual observations.

This can seem like an overwhelming task, especially for those companies who have hundreds of machines and other pieces of equipment regulated by this standard. One saving grace, however, is OSHA goes on to explain in this compliance directive that an employer may group together separate machine-specific LOTO procedures into one procedure for purposes of complying with the LOTO standard, so long as the machines or equipment in the group have the same or similar types of control measures. OSHA specifically explains in section IX of their directive (which addresses machine/equipment-specific procedures) that machines and equipment may be grouped together in one LOTO procedure if they all are listed or identified in the scope of the energy control procedure and if they all have the same or similar:

1. Procedural steps for shutting down, isolating, blocking, securing, and dissipating stored energy in machines or equipment
2. Procedural steps for the placement, removal, and transfer of the lockout or Tagout devices and the responsibility for them; and,
3. Requirements for testing a machine or equipment to determine and verify the effectiveness of LOTO devices and other control measures.

So as an example, an employer might 10 power presses that are the same or substantially similar in light of these requirements, so they can develop a single written LOTO procedure to cover all 10 of the presses. Therefore, they only have to conduct an inspection of that one procedure, as opposed to conducting 10 separate procedure inspections.

One related question I hear quite often is "How many different authorized employees must be inspected performing LOTO under a single LOTO procedure?" For example, if there are 20 employees authorized to implement one particular LOTO procedure, we must determine if performing an inspection of just one of those employees implementing the procedure is adequate, or do we need to inspect more authorized employees implement that procedure too. The compliance directive explains that OSHA does not expect the inspector will have to observe every authorized employee implementing the energy control procedure on the machine or equipment on which he is authorized to do servicing and/or maintenance. Rather, the inspector performing the inspection may observe and talk with a representative number of such employees implementing the procedure in order to obtain a reasonable reflection of the servicing or maintenance work practices being evaluated. Factors influencing what would be a "representative number" could include how new the specific LOTO procedure is, how experienced the authorized employees are with implementing that procedure, and the complexity and/or difficulty of implementing the procedure. However, you must also keep in mind that the LOTO standard does require that the procedure being inspected be reviewed with all authorized employees as part of the periodic inspection (reference 1910.147(c)(6)(i)(C)).

One final point to make is that OSHA does require the employer to "certify" that their periodic LOTO procedure inspections have been conducted (reference 1910.147(c)(6)(ii)). The certification must identify the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.