



## TEXAS DEPARTMENT OF INSURANCE

### Division of Workers' Compensation

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## Occupational Safety and Health Consultation (OSHCON) Program Frequently Asked Questions

### What is OSHCON?

OSHCON is a free service designed to help employers understand and comply with OSHA standards through safety inspections conducted by professional consultants with the Texas Department of Insurance, Division of Workers' Compensation (DWC). Benefits for employers participating in the OSHCON program include prevention of work-related injuries and illnesses; confirmation to their employees and customers of their commitment to safety; public acknowledgement of their safety efforts; monetary savings to the company by reducing workers' compensation costs and other costs associated with work-related injuries and illnesses; and protection of company assets such as employees, equipment, supplies, products, and facilities.

### Is OSHCON the same as OSHA?

No. Although the consultation program was established by the same federal legislation that created OSHA, our services are separate from federal enforcement. OSHCON is a voluntary, non-regulatory program designed to help private Texas employers identify areas that do not meet OSHA safety and health standards. The OSHCON program does not issue citations or fines, but instead offers solutions for correcting hazards.

### How can OSHCON help me?

OSHCON consultants can provide a variety of services, including:

- identification and evaluation of safety and health hazards;
- industrial hygiene services such as noise level monitoring and air sampling;
- problem solving and hazard correction assistance;
- technical updates on Occupational Safety & Health Administration (OSHA) standards;
- hands-on training;
- safety and health program assistance; and
- safety training materials, videos, and publications.

### Is my company eligible to participate?

Your company is eligible for OSHCON assistance if it:

- does business in Texas;
- is a private-sector employer;
- employs fewer than 250 people onsite; and
- controls no more than 500 employees nationwide.

## **I'm a small employer; do I need to comply with safety and health standards?**

By law, all employers are required to provide a safe and healthy work environment for their employees. The OSHCON program can be especially helpful to small employers who have limited staff or resources to devote to the development and implementation of a safety and health program.

## **What's the process involved with an OSHCON consultation?**

### **Step 1: Request a Consultation**

**(You can request a consultation using one of several methods.)**

- Complete an online request form at [OSHCN Request Form](#).
- Call OSHCON toll-free at 1-800-687-7080.
- E-mail OSHCON at [oshcon@tdi.texas.gov](mailto:oshcon@tdi.texas.gov).
- Contact an OSHCON consultant directly from our directory at [OSHCN Consultants](#).

### **Step 2: The On-Site Visit**

The OSHCON consultant will meet with you at your workplace at an agreed-upon time. Employees or union representatives are encouraged to participate in all phases of the consultation. A comprehensive visit includes the following four elements:

- an opening conference where the role of the consultant and your obligations as an employer are explained;
- a walk-through survey of your workplace to identify hazards and observe work practices;
- an assessment of your existing safety and health policies and procedures to determine if OSHA required programs are in place; and
- a closing conference conducted where the consultant reviews positive findings, areas for improvement, and timelines for correction of serious hazards.

### **Step 3: Other Findings and Recommendations**

After the consultation, all gathered information is reviewed. Any necessary research and sample analysis is conducted. Then the consultant provides you a detailed written report.

### **Step 4: Hazard Correction**

You correct any hazards identified as "serious" (immediately dangerous to life or health) during the consultation within the mutually agreed-upon abatement period. Hazard abatement is required in order to reach the objective of the consultation: effective employee protection.

### **What will the OSHCON consultant want to see during the consultation visit?**

The consultant will want to view the physical worksites involved and speak with several employees. You will need to provide your Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes, number of employees, federal employer identification number (FEIN), and the OSHA 300 or equivalent injury and illness logs. Also, the consultant will review any written safety programs, policies, procedures, and any complementary programs, such as lock out/tag out, hazard communications, confined space entry, bloodborne pathogens, and employee bulletin board postings.

### **How long will a consultation take?**

The consultation can vary from a few hours to a full day, depending on the size and complexity of your business. In some cases, a follow-up visit may be necessary.

### **What are my obligations if I request a consultation?**

You agree to correct any serious hazards or imminent danger conditions that might be identified. Imminent danger situations must be addressed immediately. The time frame for correction of serious hazards is mutually agreed-upon between you and the consultant. Extensions may be granted in unusual circumstances.

### **Will an OSHCON consultation lead to an inspection by OSHA?**

OSHA is not notified of visits to employers requesting an OSHCON consultation, nor are findings routinely provided to OSHA. In rare cases when an employer refuses or fails to correct serious hazards or immediately resolve imminent danger situations, that violation must by law be reported to OSHA. An employer can request additional time for correction of serious hazards, if necessary.