

Inspections & Penalties

Q: Where in the Virginia Code can VOSH be found?

A: Virginia Occupational Safety and Health law is contained within Title 40.1 of the Code of Virginia which states "The provisions of this title are intended to provide solely for the safety, health and welfare of employees..."

Q: What is not in the jurisdiction of VOSH?

A: Maritime & longshoring employment, (except for state and local government employers/employees) mining industry, Federal government employees in Virginia, exclusive Federal government enclaves in Virginia, industries regulated by other Federal Agencies such as the Nuclear Regulatory Commission

Q: Are certain situations given priority in the inspection process?

A: Inspections are conducted in the following order: imminent danger, fatality/catastrophe, complaint/referral, programmed inspections.

Q: What is the inspection process?

A: An inspection begins with an opening conference to discuss the reason/purpose of the inspection. It is followed by a walk around of the workplace to observe and document hazards and interview employees. Next, a sampling of the employee exposure to chemicals is done, if applicable. Finally, a closing conference is held to discuss the observations/findings of the inspector.

Q: What are the classifications of violations?

A:

- Other-than-serious: Hazard will not cause death or serious physical harm but is directly related to safety and health.
- Serious: Hazard would probably cause death or serious physical harm.
- Willful: Hazard is serious or other-than-serious and the employer intentionally violated a standard or demonstrated plain indifference to the standard violated.
- Criminal Willful: Hazard is willful and causes death of an employee.
- Repeat: Employer has been previously cited for substantially similar condition within the last three (3) years at an employer location within the same regional office location

Q: What are the penalties for a violation?

A:

- Other-than-serious: \$5,000
- Serious: Up to \$7,000
- Willful: \$5,000 to \$70,000
- Criminal Willful: Up to \$70,000 and/or not more than 6 months imprisonment
- Repeat: Up to \$70,000
- Failure to correct or abate cited violations: Up to \$7,000/day

* Fatality related violations are penalized at the maximum amount.

Q: Can a penalty be adjusted?

A: A penalty can be adjusted based on the gravity of the violation, size of the business, good faith of the employer and the employer's history of previous violations.