

**ADM Part 13 Inspections and Investigations, Citations, and Proposed Penalties
Compared With
29 C.F.R. Part 1903 Inspections, Citations and Proposed Penalties**

Summary: The significant differences between ADM Part 13 Inspections and Investigations, Citations, and Proposed Penalties and 29 C.F.R. Part 1903 Inspections, Citations and Proposed Penalties are in:

- Advance notice of inspection or investigation.
- Trade secrets.
- Complaints by employees.
- Imminent danger; cease operation order.
- Notification of compliance with citations.
- Employer appeal petitions of citations.
- Petition for modification of abatement period.
- Citation for failure to correct a previously cited violation.

The below comparison show only those provisions where MIOSHA rules are different than OSHA or where MIOSHA rules are not included in 29 C.F.R.

****means there is a comparable OSHA rule to this paragraph

MIOSHA	OSHA
<p>R 408.22324. Advance notice of inspection or investigation.</p> <p>Rule 1324. (1) Advance notice of inspections or investigations shall not be given except in the following situations:</p> <p>(a) In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible.</p> <p>(b) In circumstances where the inspection or investigation can most effectively be conducted after regular business hours, or where special preparations are necessary for an inspection or investigation.</p> <p>(c) Where necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection or investigation.</p> <p>(d) In other circumstances where the department director or his designee determines that the giving of advance notice would enhance the probability of an effective and thorough inspection or investigation.</p> <p>(2) to (5)****</p>	<p>1903.6(a) Advance notice of inspections may not be given, except in the following situations:</p> <p>Equivalent</p> <p>Equivalent</p> <p>Equivalent</p> <p>Equivalent</p> <p>Equivalent</p>

MIOSHA	OSHA
<p>R 408.22331. Trade secrets.</p> <p>Rule 1331. (1) ****</p> <p>(2) Information which contains, or which might reveal, a trade secret is not subject to public inspection and copying.</p> <p>(3) to (4)****</p>	<p>Equivalent</p> <p>No comparable OSHA provisions</p> <p>Equivalent</p>
<p>R 408.22338. Complaints by employees.</p> <p>Rule 1338. (1) to (2)****</p> <p>(3) If the department determines that an inspection or investigation is not warranted because the written complaint does not meet the provisions of subrule (1) of this rule, the department shall notify the complaining party, in writing, of such determination. The determination shall be without prejudice to the filing of a new complaint meeting the requirements of subrule (1) of the rule.</p> <p>(4)****</p> <p>(5) When an employee or a representative of employees believes that a condition exists which may present an imminent danger to an employee, he may notify either department in the most expedient manner without regard to a written notice. Upon notification of an alleged imminent danger, the department shall cause an immediate inspection to be made or take other action that it finds necessary to abate the danger as provided by rule 1342 of this part.</p> <p>(6) If a citation is issued for a violation alleged in a request for inspection under subrule (1) of this rule or a notification of violation under subrule (4) of this rule, a copy of the citation issued shall be sent to the employee or representative of employees who made such request or notification.</p> <p>(7)****</p>	<p>Equivalent</p> <p>No comparable OSHA provisions</p> <p>Equivalent</p> <p>No comparable OSHA provisions</p> <p>No comparable OSHA provisions</p> <p>Equivalent</p>

MIOSHA	OSHA
<p>R 408.22342. Imminent danger; cease operation order.</p> <p>Rule 1342. (1) When a department representative concludes, on the basis on the basis of an inspection or investigation, that conditions or practices exist in a place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the act, the department representative shall inform the employer and affected employee of the danger and afford the employer the opportunity to voluntarily eliminate the danger.</p> <p>(2) If the employer does not immediately take steps to eliminate the imminent danger, the department representative shall recommend to the department director that a cease operation order be issued pursuant to section 31(1) of the act to require that steps be taken as may be necessary to avoid, correct, or remove the imminent danger. Appropriate citations and notices of proposed penalties may be issued with respect to violations associated with an imminent danger, even though, after being informed of such danger by the department representative, the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.</p> <p>(3) Upon the failure of the employer to promptly comply with a cease operation order issued pursuant to subrule (2) of this rule, the department shall petition the circuit court having jurisdiction to restrain any condition or practice in a place of employment which the department determines causes the imminent danger to exist.</p>	<p>Slightly different from the language in PART 1903.13, but generally Equivalent. See 1903.13 language below.</p> <p>Whenever and as soon as a Compliance Safety and Health Officer concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act, he shall inform the affected employees and employers of the danger and that he is recommending a civil action to restrain such conditions or practices and for other appropriate relief in accordance with the provisions of section 13(a) of the Act. Appropriate citations and notices of proposed penalties may be issued with respect to an imminent danger even though, after being informed of such danger by the Compliance Safety and Health Officer, the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.</p> <p>Slightly different from the language in PART 1903.13, but generally Equivalent. - See 1903.13 language above.</p> <p>No comparable OSHA provisions - See 1903.13 language above.</p>
<p>R 408.22349. Notification of compliance with citations.</p> <p>Rule 1349. (1) An employer to whom a citation is issued shall notify the department, in writing, immediately upon compliance with each item of the citation. Upon compliance with an item of the citation, notification to the department shall not exceed 3 working days from the final abatement date on the citation of such item.</p>	<p>No specific comparable OSHA provisions found in OSHA PART 1903</p>

MIOSHA	OSHA
<p>(2) Notification, as required in subrule (1) of this rule, may be accomplished by either of the following:</p> <p>(a) Submitting to the department, signed and dated, the "notification of abatement" copy of the citation, or a copy thereof.</p> <p>(b) Submitting a document, in writing, to the department certifying compliance.</p>	<p>No specific comparable OSHA provisions found in OSHA PART 1903</p> <p>No specific comparable OSHA provisions found in OSHA PART 1903</p>
<p>R 408.22351. Employer appeal petitions of citations.</p> <p>Rule 1351. (1)****</p> <p>(2) An employer shall post a copy of the petition near the location of the violation where the subject citation is posted, or give a copy of the petition to the affected employees or their employee representative.</p> <p>(3) An employer shall include in the petition to the department a certification that a copy of the petition was posted or given to the affected employees or their employee representative pursuant to subrule (2) of this rule. The certification shall include the date and method of transmittal of the petition.</p>	<p>Equivalent</p> <p>No specific comparable OSHA provisions</p> <p>No specific comparable OSHA provisions</p>
<p>R 408.22354. Employer and employee notices of appeal to the board.</p> <p>Rule 1354. (1) Within 15 working days after receipt by the employer of the department's decision regarding an appeal petition of a citation:</p> <p>(a) The employer may appeal the decision to the board.</p> <p>(b) The employee or employee representative may appeal the decision, with respect to the date fixed for abatement, to the board.</p> <p>(2) The notice of appeal of the department's decision shall be submitted to the department. The department shall immediately transmit the notice of appeal to the board in accordance with the procedure prescribed by the board.</p>	<p>No specific comparable OSHA provisions</p> <p>No specific comparable OSHA provisions</p> <p>No specific comparable OSHA provisions</p>
<p>R 408.22355. Petition for modification of abatement period.</p> <p>Rule 1355. (1) to (3)****</p> <p>(4) On the same day that the petition is filed with the board, a copy of the petition shall be filed with the department that issued the citation and a copy shall be posted by the employer in a conspicuous place at or near the place where the citation was required to be posted and remain so posted for a period of 10 working days.</p>	<p>Equivalent</p> <p>No specific comparable OSHA provisions</p>

MIOSHA	OSHA
(5) to (7)****	Equivalent
<p>R 408.22356. Citation for failure to correct a previously cited violation.</p> <p>Rule 1356. (1) to (3)****</p> <p>(4) Within 15 working days after receipt of the department decision relative to an appeal petition of a citation for failure to correct a violation or a proposed additional penalty, or both, an employer may appeal the decision to the board pursuant to rule 1354.</p>	<p>Equivalent</p> <p>No specific comparable OSHA provisions</p>

Disclaimer:

Documents available from this server were prepared as a courtesy for informal guidance and assistance. This information is not intended to replace or supercede the actual MIOSHA standard or rule requirement. Please reference the specific MIOSHA standard or rule for the actual rule requirement language.

All information published online by MIOSHA is subject to change without notice. Every effort is made to ensure that the information provided at this site is accurate and up-to-date, but no legal responsibility is accepted for any errors, omissions, or misleading statement.