

# MIOSHA Fact Sheet



## Appeal Research Tools

When appealing a citation, abatement date, variance request, or discrimination determination issued by MIOSHA, it is helpful to know the procedural steps which must be taken. It can also be helpful to know if MIOSHA, the Board of Health and Safety Compliance and Appeals, or the courts have previously dealt with the legal or factual arguments that an employer, employee, or their representative may wish to raise during the appeal. This fact sheet outlines the key research resources to finding the answers to these important questions. Understanding what these resources contain and how to locate them can be beneficial to anyone considering challenging an action taken by MIOSHA.

### Michigan Occupational Safety and Health Act

The Michigan Occupational Safety and Health Act (MIOSH Act), Act 154 of 1974, as amended, MCL 408.1001 et seq., sets the steps and deadlines that the agency and an employer, or employee representative, must adhere to in order to properly file an appeal of a MIOSHA citation or discrimination determination. The MIOSH Act can be accessed via the MIOSHA webpage at [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards) under the Standards and Legislation section, or via the Michigan Legislature website at [www.legislature.mi.gov](http://www.legislature.mi.gov).

### Michigan Administrative Code

The Michigan Administrative Code contains the administrative rules which include the safety and health standards enforced by MIOSHA. The Administrative Code also contains additional rules which elaborate upon how the requirements contained within the MIOSH Act are to be carried out by MIOSHA. Key sections of the rules are Occupational Safety and Health Standards [Part 4](#): Procedures for the Board (R 408.21401 - 408.21147); MIOSHA Safety and Health Standards [Part 12](#): Variances (R 408.22201 - 408.22251); and MIOSHA Safety and Health Standards [Part 13](#): Inspections and Investigations, Citations and Proposed Penalties (R 408.22301 - 408.22361).

These administrative rule sets pertaining to MIOSHA can be found under the Standards and Legislation section of the MIOSHA webpage at [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards), or on the Licensing And Regulatory Affairs, Administrative Rules webpage at [https://www.michigan.gov/lara/0,4601,7-154-89334\\_10576\\_92306---,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_10576_92306---,00.html).

### MIOSHA Digest

The MIOSHA Digest (“Digest”) is a tool that can be utilized by anyone to research legal rulings on topics and defenses that have been previously litigated involving MIOSHA. It contains helpful summaries of case decisions dealing with safety and health citations, discrimination complaints, petitions for modification of abatement, and variances. It includes rulings rendered from Administrative Law Judges (ALJs), the Board of Health and Safety Compliance and Appeals (Board), as well as the state court system. The Digest was designed to minimize the need for parties, ALJs, courts, and the Board to re-examine issues previously thought decided. For information on how to obtain a copy of a case ruling or the Digest, click on [“How to Access and Search the MIOSHA Digest.”](#)

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