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# MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)  
Department of Labor and Economic Opportunity (LEO)

## AGENCY INSTRUCTION

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DOCUMENT IDENTIFIER:  
MIOSHA-COM-08-1R3

DATE:  
March 18, 2020

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**SUBJECT: Communication of Inspection Findings**

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- I. Purpose. This instruction establishes uniform policies and procedures for communicating the inspection findings to the employer, complainant, and/or source of the referral.
- II. Scope. This instruction applies to the Construction Safety and Health Division (CSHD) and the General Industry Safety and Health Division (GISHD).
- III. References.
  - A. Administrative Rules for MIOSHA Safety and Health Standards, Part 13. /R408.22301 et seq., [Inspections and Investigations, Citations and Proposed Penalties](#).
  - B. [Michigan Freedom of Information Act](#)
  - C. Michigan Occupational Safety and Health Act (MIOSH ACT), R408.1001 et seq., [P.A. 154 of 1974](#), as amended.
  - D. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
  - E. [MIOSHA Strategic Plan for Fiscal Years 2019-2023](#).
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. This agency instruction cancels all previous versions of this agency instruction.
- VI. Next Review Date. This instruction will be reviewed in five years from date of issuance.
- VII. History. History of previous versions includes:  
MIOSHA-COM-08-1R2, June 12, 2015  
MIOSHA-COM-08-1R1, March 28, 2012  
MIOSHA-COM-08-1, January 14, 2008
- VIII. Contact. [Lawrence Hidalgo](#), Jr., Director, CSHD and [Adrian Z. Rocskay](#), Director, GISHD.
- IX. Originator: Barton G. Pickelman, Director
- X. Background. Communication of inspection findings is a service provided by the Michigan Occupational Safety and Health Administration (MIOSHA) to its customers. It is a requirement of the Michigan Occupational Safety and Health Act (MIOSH Act). It also helps to fulfill MIOSHA Strategic Plan Goal 3.1 for 2019-2023, which is to foster a culture of integrity, inclusion, teamwork, and excellence to strengthen confidence in and delivery of MIOSHA services.

Communication of Inspection Findings

Several types of inspection-findings information need to be communicated. These include imminent dangers, citations, recommendations, notices of potential hazards, results of environmental monitoring and measurements (in the form of data sheets), and supplemental information such as additional explanation of the rules. The recipients of this information can be the employer, employees, employee representatives, the complainant, source of the referral, and other interested parties depending on the situation

XI. Significant Change. Added the use of Field Narrative or an approved equivalent.

XII. Field Activity Criteria.

A. Ongoing Conversation. An inspection is an on-going conversation between the Safety Officer/Industrial Hygienist SO/IH and the employer and employees. The SO/IH shall use this on-going conversation to provide the employer and employees with inspection information.

To update the employer on the status of the inspection, the SO/IH can choose to have a short meeting at the end of each day on-site. Alternatively, the SO/IH can wait until the closing conference before summarizing the inspection findings to ensure that the findings are more accurate and complete. The SO/IH can also verbally communicate hazards identified as they are determined during the course of the day, to ensure that hazards are addressed at the earliest possible opportunity.

B. Imminent Danger Notification. When the SO/IH concludes 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 employer shall be so advised and requested to notify its employees of the danger and remove them from exposure to the imminent danger. Imminent danger procedures are described in more detail in Rule 1342 of Part 13, [Inspections and Investigations, Citations and Proposed Penalties](#), and Section 31 of the Michigan Occupational Safety and Health Act. If the employer refuses to remove affected employees from the imminent danger, refer to imminent danger procedures in the [FOM](#), as amended.

C. Closing Conference. Following the completion of the inspection, an opportunity for a closing conference shall be afforded to the employer and employee representatives to informally advise them of any apparent safety or health violations disclosed by the inspection. The requirement for the closing conference is found in Rule 1325(5) of [Part 13](#). More detail on the closing conference can be found in the Field Operations Manual. The SO/IH will go over the inspection findings for each of the complaint and referral items.

D. Case File. In the case file on a Field Narrative form or an approved equivalent, the SO/IH will document the findings for each of the complaint and referral items. To save time and avoid transcription errors, the hazard description on the Notice of Alleged Safety and Health Hazards or Referral Report can be copied and pasted to the Field Narrative form or an approved equivalent.

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Communication of Inspection Findings

E. Letter to Employer. After the inspection, the division will mail a letter to the employer informing the employer of the results of the investigation. The letter will state whether or not the inspection resulted in any citations or recommendations. The letter will include the following enclosures, as applicable:

1. Citations.
2. Safety and Health Recommendations and Notices of Potential Hazards. The Safety/Health Recommendation form shall be used for recommendations. The Notice of Potential Hazard form shall be used for potential hazards per the requirements of the [FOM](#).
3. Data Sheets. Data sheet forms are available for air contaminants, noise, material samples, electromagnetic radiation, heat stress, illumination, and ventilation.
4. Supplemental Information. Supplemental information includes, but is not limited to the MIOSH Act, standards, summaries of standards, MIOSHA safety and health handouts, fact sheets, ventilation specifications, sample programs, and information on specific hazards.

NOTE: Other options for distributing this information are: providing the information to the employer and employee representatives during the on-site inspection; referring them to the MIOSHA website to view, download, or print the documents; or e-mailing them the Internet links to these documents.

In unique cases, with management approval, a more descriptive letter to the employer can be sent. This letter would go over the inspection issues in detail rather than serving as a cover letter for the enclosures.

- F. Letter to Complainant and Referring Entity. A letter with the inspection findings including the appropriate enclosures listed above is mailed to the complainant, source of the referral, and other interested parties such as the union and off-site management safety and health representatives. The letter offers more information about the inspection findings by calling the supervisor, filing a Freedom of Information Act request, or requesting an informal conference.
- G. Telephone Call with Supervisor. Parties interested in a more exhaustive review of the findings are directed to call the supervisor to discuss the case.
- H. Informal Conference. At the request of an affected employer, employee, or employee representative, the division may hold an informal conference with the purpose of discussing any issues raised by an inspection, citation, or notice of proposed penalty. This informal conference is described in more detail in Rule 1361 of [Part 13](#).
- I. Michigan Freedom of Information Act. The Michigan Freedom of Information Act provides all persons, except those incarcerated in correctional facilities, with access to public records. This includes case files of inspections.