
MIOSHA

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

AGENCY INSTRUCTION

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MIOSHA-COM-11-1R2

DATE:

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SUBJECT: Cross-Citing Hazards

- I. Purpose. This instruction establishes guidelines for cross-citing hazards of another Michigan Occupational Safety and Health Administration (MIOSHA) program focus (e.g., safety citing health rules or vice versa; construction citing general industry rules or vice versa).
- 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. Agency Instruction MIOSHA-COM-13-1 [Dual, One-MIOSHA, Intra-Office Assistance, and Transfer of Inspections/Investigations](#), as amended.
 - B. CSHD Division Instruction CSHD-ADM-08-1, [Completing Inspection Case Work](#), as amended.
 - C. Michigan Public Employees (MPE) Service Employees International Union (SEIU) Local 517M Scientific & Engineering Bargaining Unit and the State of Michigan, [Article 33, Integrity of the Bargaining Unit](#).
 - D. Michigan State Employees Association (MSEA) Contract, [Article 52, Integrity of the Bargaining Unit](#).
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. All previous versions of this agency instruction.
- VI. Next Review Date. To be reviewed in three (3) years from date of issuance.
- VII. History. History of previous versions includes:

MIOSHA-COM-11-1R1, October 13, 2016
MIOSHA -COM-11-1, January 24, 2011
- VIII. Contact. [Lawrence Hidalgo, Jr.](#), Director, CSHD and [Adrian Rocskay](#), Director, GISHD
- IX. Originator. [Barton G. Pickelman](#), Director
- X. Background. All MIOSHA activity must focus on meeting the overall agency goal of helping protect the health and safety of Michigan workers. For more than twenty years, MIOSHA has used staff in the most effective and efficient manner possible to accomplish the program mission.

Prior to the agency consolidation under Executive Orders 1996-1, the MIOSHA program was split into two different state departments. Safety issues were addressed by the Department of Labor. Health issues were addressed by the Department of Public Health.

To make the best use of staff presence in the workplace, several documents were created for collecting information relative to a violation of the other discipline. Safety officers (SOs) and industrial hygienists (IHs) collected information that was provided to the sister agency and used as the basis to issue a citation.

When the program merged into one department, guidance from the Attorney General and the Department Executive Director indicated that properly trained MIOSHA enforcement staff has the authority to conduct an inspection and develop the basis for the issuance of a citation, regardless of which commission promulgated the MIOSHA standard.

Since the MIOSHA reorganization in September 2003, staff has cited hazards and conditions in the other discipline when training has been provided (for example, an SO in GISHD citing certain rules of the sanitation regulation). The intent is that both safety and health will identify and address less complicated issues during inspections and investigations.

MIOSHA will respect the provisions of the bargaining unit agreements with the MSEA and the MPE Union. In no way does MIOSHA intend to diminish the expertise or complex technical skills required to respond to most issues by staff from the specific program areas covered by the rule or requirement.

XI. Significant Changes.

- A. Updated Appendix A and Appendix B to match the SAVEs, rules, or standards currently in effect.
- B. Added new cross-citable standards/rules to Appendix A to include:
 - 1. Part 1. General Rules - Rule 132(3).
 - 2. Part 20. Demolition – Rule 2031(1).
 - 3. Part 504. Diving Operations – The entire standard.

XII. Definitions.

- A. Cross-citing means the practice of one discipline or division citing a rule routinely cited by another discipline or division. Examples: Safety citing a health rule or vice versa. GISHD citing a CSHD rule or vice versa.
- B. Discipline means the area of expertise of compliance staff. MIOSHA includes two disciplines: occupational safety and occupational health compliance.
- C. Dual Inspection/Investigation means an inspection/investigation that is conducted by both an SO and an IH from the same enforcement division at the same work site within the same general time frame under separate inspection numbers.
- D. Intra-Office Assistance (IOA) means an inspection that is initially opened by either an SO or an IH who determines that assistance is needed from a compliance officer of the other enforcement discipline in the same division. In GISHD, an IOA request can be made when the initiating (lead) SO/IH determines that a serious hazard related to the other enforcement discipline (i.e., health/safety or safety/health) must be evaluated. In the CSHD, the assistance request is typically

made by an SO/IH contacting the other enforcement discipline directly. An IOA request may result in a dual inspection/investigation.

- E. One-MIOSHA Inspections means inspections that require participation of a compliance officer from GISHD and a compliance officer from CSHD.

XIII. Appendices. This instruction includes guidance documents on the following hazards that are approved for cross-citing.

- A. [Appendix A](#) - CSHD List of Items for Cross-Citing
- B. [Appendix B](#) - GISHD List of Items for Cross-Citing

XIV. Policy.

- A. Staff will continue to cross-cite simple, common hazards from those listed in Appendix A for CSHD and Appendix B for GISHD during inspections and investigations. Staff will only cross-cite hazards for which they have the appropriate training, expertise and knowledge. This includes an understanding of the rule, ability to apply the rule in the workplace, ability to recognize and document hazards, and the ability to explain abatement alternatives.
- B. For more complex hazards or items not listed in Appendix A or B, staff will work cooperatively with the other discipline or division to conduct a one-MIOSHA or a dual inspection/investigation, or to transfer information between enforcement divisions following Agency Instruction MIOSHA-COM-13-1 [Dual, One-MIOSHA, Intra-Office Assistance, and Transfer of Inspections/Investigations](#), as amended. For Construction staff, follow CSHD Division Instruction CSHD-ADM-08-1, [Completing Inspection Case Work](#), as amended.
 - 1. Example: A safety officer or industrial hygienist from GISHD identifies an unsafe trench, takes photos, calls CSHD, and transfers the photographic documentation and narrative to CSHD.
 - 2. Example: Within a compliance division, an SO identifies a large number of complex health hazards associated with the other discipline. The other discipline is contacted, and a decision is made by management to conduct a dual inspection.
 - 3. Example: Where staff of one discipline (i.e., health or safety) observe a few potential hazards (i.e., one, two, or three hazards) of the other discipline that are not included in Appendix A or B, the SO/IH will discuss the hazards with their supervisor and the supervisor who would receive the IOA. If it is determined that the transfer and subsequent opening of a new on-site inspection is not an efficient use of inspection resources or feasible with staffing limitations, but the issue warrants a citation, the citation can be issued under the original inspection. The receiving supervisor will help the originating SO/IH and supervisor identify the correct rule(s) to be cited; the citation classification, severity, and probability; and the information required to document the violation.

- C. Staff will continue to discuss the hazards of the other discipline or division with their counterparts, especially when staff is not confident in their expertise and when the issues are complex.

XV. Procedures for Identifying Cross-Citable Hazards.

- A. The division directors and/or designees will identify which hazards are appropriate for recommendation for routine cross-citing. Criteria for selecting hazards include complexity of the issue, whether the issue can be easily assessed, and how common it is to the workplace. These recommendations will be forwarded to the workgroup for evaluation and determination for appropriate cross-citing.
- B. The division directors and/or designee will develop guidance for evaluating cross-citable hazards. Guidance may include a hazard analysis worksheet, fact sheet, or other written guidance. Staff will be trained on the hazard and how to use the guidance and/or worksheet.
- C. The initial set of common cross-citable hazards has been identified and guidance is included as appendices to this instruction.
- D. The workgroup process will be used to assess and determine whether additional hazards should be added to those deemed appropriate for cross-citing. The workgroup will consist of union representatives of the disciplines that will be impacted by the new cross-citing guidelines as well as management from the disciplines impacted.
- E. In the event there is no steward or employee representative available in the affected discipline, the union affected will be invited to designate a committee member.
- F. Appropriate equipment for cross-citing will be assigned when necessary.
- G. Staff are encouraged to discuss cross-citable hazards that come up and to determine how the hazard will be addressed; i.e., with a one-MIOSHA or dual inspection, cited by the other discipline, or cross-cited. Staff are also encouraged to discuss new cross-citable issues for consideration.

XVI. Imminent Danger and Fatality Situations.

- A. Staff flexibility in addressing imminent danger situations and meeting the one-day requirement to initiate a fatality investigation is contractually recognized and has historically been used by the agency to meet these emergency needs.
- B. When staff from a different discipline or division is called upon to open an investigation due to an imminent danger or fatality, the information collected during the opening conference and during the physical investigation will be transferred to the staff person from the appropriate discipline or division to include in the case file.

- C. When it is unclear whether the work operation is safety or health and/or whether it falls under general industry or construction, compliance officers from more than one program area may initially be assigned. Once further information is obtained to clarify the work operations, a compliance officer will be identified to assume responsibility for the investigation. If multiple issues remain, it will become a one-MIOSHA, dual inspection, or a request for IOA will be made; and a lead compliance officer may be named.

Appendix A

**Construction Safety and Health Division
List of Items for Cross-Citing**

Part 1. General Rules

408.40114(1): CS PART 1. GENERAL RULES

An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.

408.40114 (2) An accident prevention program shall, at a minimum, provide for all of the following:

- (a) Instruction to each employee regarding the operating procedures, hazards, and safeguards of tools and equipment when necessary to perform the job.
- (b) Inspections of the construction site, tools, materials, and equipment to assure that unsafe conditions which could create a hazard are eliminated.
- (c) Instruction to each employee in the recognition and avoidance of hazards and the regulations applicable to his or her work environment to control or eliminate any hazards or other exposure to illness or injury.
- (d) Instruction to each employee who is required to handle or use known poisons, toxic materials, caustics, and other harmful substances regarding all of the following:
 - (i) The potential hazards.
 - (ii) Safe handling.
 - (iii) Use.
 - (iv) Personal hygiene.
 - (v) Protective measures.
 - (vi) Applicable first aid procedures to be used in the event of injury.
- (e) Instruction to each employee if known harmful plants, reptiles, animals, or insects are present regarding all of the following:
 - (i) The potential hazards.
 - (ii) How to avoid injury.
 - (iii) Applicable first aid procedures to be used in the event of injury

408.40129(1): CS PART 1. GENERAL RULES

Toilets at construction sites shall be provided for employees as follows:

- (a) 1 to 20 employees - 1 toilet.
- (b) 21 to 40 employees - 2 toilets.
- (c) 41 or more employees - 1 additional toilet for each additional 40 or less employees.

408.40130(1): CS PART 1. GENERAL RULES

The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

408.40132(3): CS PART 1. GENERAL RULES

A person who has a valid certificate in first aid training shall be present at the worksite to render first aid. A certificate is valid if the requirements necessary to obtain the certificate for first aid training meet or exceed the requirements of the United States Bureau of Mines, the American Red Cross, the guidelines for basic first aid training programs, or equivalent training.

Part 6. Personal Protective Equipment

1926.100(a) CS PART 6. PERSONAL PROTECTIVE EQUIPMENT

Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

1926.102(a)(1) CS PART 6. PERSONAL PROTECTIVE EQUIPMENT

The employer shall ensure that each affected employee uses appropriate eye or face protection when exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustic liquids, chemical gases or vapors, or potentially injurious light radiation.

1926.102(c) Protection against radiant energy 1926.102(c)(1) Selection of shade numbers for welding filter. Table E-1 shall be used as a guide for the selection of the proper shade numbers of filter lenses or plates used in welding. Shades more dense than those listed may be used to suit the individual's needs.

Part 20. Demolition

408.42031(1): CS PART 20. DEMOLITION

Before the start of a demolition operation, an employer shall ensure that all of the following are done:

(a) An engineering survey of the structure and equipment is conducted by a competent person knowledgeable in demolition to determine all of the following:

- (i) The condition of the foundation, roof, walls, and floors.
- (ii) Whether any adjacent structure will be affected by the demolition.
- (iii) The utility service entering the building.
- (iv) Any other conditions and equipment affecting the safety of an employee.

(b) An employer shall ensure that there is a written report of the survey at the field office until the completion of the job. The report shall include information such as the name of the person conducting the survey, date of the survey, and hazardous substances and dangerous conditions found and their location.

In an emergency situation, a survey is not required. If a field office does not exist at the demolition site, then an employer shall file the written report of the survey at the employer's main office.

(c) An employer shall inform utility companies of the planned demolition. An employer shall ensure that utility services are shut off, capped, or otherwise protected from damage, except as specified in subrule (2) of this rule.

(d) An employer shall ensure that glazed sash and doors and other glass that might cause an injury shall be protected or removed before demolition starts.

Part 21. Guarding of Walking and Working Areas

408.42159(1): CS PART 21. MAINTENANCE

A floor, platform, stair tread, or landing shall be maintained free of tripping or slipping hazards.

Part 451. Respiratory Protection

1910.134(c)(2)(ii): OH PART 451. RESPIRATORY PROTECTION

In addition, the employer must establish and implement those elements of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily is medically able to use that respirator, and that the respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the user. Exception: Employers are not required to include in a written respiratory protection program those employees whose only use of respirators involves the voluntary use of filtering facepieces (dust masks).

1910.134(e)(1): OH PART 451. RESPIRATORY PROTECTION

General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

1910.134(f)(1): OH PART 451. RESPIRATORY PROTECTION

The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

1910.134(f)(2): OH PART 451. RESPIRATORY PROTECTION

The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, or whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

1910.134(g)(1)(i)(A): OH PART 451. RESPIRATORY PROTECTION

The employer shall not permit respirators with tight-fitting facepieces to be worn by employees who have facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function.

1910.134(h)(2)(i): OH PART 451. RESPIRATORY PROTECTION

All respirators shall be stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals, and they shall be packed or stored to prevent deformation of the facepiece and exhalation valve.

1910.134(h)(3)(i)(B): OH PART 451. RESPIRATORY PROTECTION

All respirators maintained for use in emergency situations shall be inspected at least monthly and

in accordance with the manufacturer's recommendations, and shall be checked for proper function before and after each use.

Part 504. Diving Operations

The entire standard of OH Part 504. Diving Operations.

Part 602. Asbestos Standards for Construction

1926.1101(k)(2)(i): OH PART 602. ASBESTOS STANDARDS FOR CONSTRUCTION
Before work subject to this standard is begun, building and facility owners shall determine the presence, location, and quantity of asbestos-containing material (ACM) and/or presumed asbestos containing material (PACM) at the work site pursuant to paragraph (k)(1)(i) of this section.

1926.1101(k)(2)(ii): OH PART 602. ASBESTOS STANDARDS FOR CONSTRUCTION
Building and/or facility owners shall notify the following persons of the presence, location and quantity of asbestos-containing material (ACM) or presumed asbestos containing material (PACM), at the work sites in their buildings and facilities. Notification either shall be in writing, or shall consist of a personal communication between the owner and the person to whom notification must be given or their authorized representatives:

- (A) Prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing such material;
- (B) Employees of the owner who will work in or adjacent to areas containing such material;
- (C) On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials;
- (D) Tenants who will occupy areas containing such material.

Appendix B
General Industry Safety and Health Division
List of Items for Cross-Citing

Part 1, General Provisions

408.10015(3): GI PART 1, GENERAL PROVISIONS

The floor of a work area, passageway, or aisle shall be maintained free of hazardous accumulations of scrap, debris, water, oil, grease, and other slip and trip hazards, except where an immediate emergency operation must be performed.

Part 2, Walking Working Surfaces

1910.28 DUTY TO HAVE FALL PROTECTION AND FALLING OBJECT PROTECTION

(b)Protection from fall hazards.

(1) Unprotected sides and edges.

(i) Except as provided elsewhere in this section, the employer must ensure that each employee on a walking-working surface with an unprotected side or edge that is 4 feet (1.2 m) or more above a lower level is protected from falling by one or more of the following:

- (A) Guardrail systems;
- (B) Safety net systems; or
- (C) Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems.

1910.28 DUTY TO HAVE FALL PROTECTION AND FALLING OBJECT PROTECTION

(3) Holes. The employer must ensure:

(i) Each employee is protected from falling through any hole (including skylights) that is 4 feet (1.2 m) or more above a lower level by one or more of the following:

- (A) Covers;
- (B) Guardrail systems;
- (C) Travel restraint systems; or
- (D) Personal fall arrest systems.

(7) Openings. The employer must ensure that each employee on a walking-working surface near an opening, including one with a chute attached, where the inside bottom edge of the opening is less than 39 inches (99 cm) above that walking-working surface and the outside bottom edge of the opening is 4 feet (1.2 m) or more above a lower level is protected from falling by the use of:

- (i) Guardrail systems;
- (ii) Safety net systems;
- (iii) Travel restraint systems; or,
- (iv) Personal fall arrest systems.

Part 6, Fire Exits

408.10631(1): GI PART 6, FIRE EXITS

The components of a means of egress including doors, stairs, ramps, passages and signs shall be of substantial construction and shall be maintained in an operable condition.

408.10632(1): GI PART 6, FIRE EXITS

(1) An employer shall ensure that exit routes are free and unobstructed. No materials or equipment may be placed, either permanently or temporarily, within the exit route. The exit access must not go through a room that can be locked, such as a bathroom, to reach an exit or exit discharge, nor may it lead into a dead-end corridor. Stairs or a ramp must be provided where the exit route is not substantially level.

408.10632(2): GI PART 6, FIRE EXITS

A lock, fastening device or barrier shall not be installed or used on a means of egress in a manner that will prevent or hinder free escape from the inside of a building.

Part 7, Guards for Power Transmission

408.10722(1): GI PART 7, GUARDS FOR POWER TRANSMISSION

Shafting exposed to contact 7 feet or less above a floor or platform level shall be guarded.

408.10727(1): GI PART 7, GUARDS FOR POWER TRANSMISSION

A belt and pulley which is 7 feet or less above the floor or platform and which is exposed to contact shall be guarded.

408.10731(1): GI PART 7, GUARDS FOR POWER TRANSMISSION

Gears, sprockets, and chain drives exposed to contact shall be guarded.

Part 8, Portable Fire Extinguishers

408.10835(2): GI PART 8, PORTABLE FIRE EXTINGUISHERS

An extinguisher showing defects which would possibly affect its operation shall be removed from service and given a complete check.

408.10835(2): GI PART 8, PORTABLE FIRE EXTINGUISHERS

An extinguisher shall have a tag attached to it showing the maintenance or recharge date and the initials or signature of the person who performed the service.

Part 472, Medical Services and First Aid

325.47201(3): OH PART 472, MEDICAL SERVICES AND FIRST AID

An employer shall ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body of any person may be exposed to injurious or corrosive materials.

Part 474, Sanitation

1910.141(a)(4) Waste disposal.

(ii) All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary or appropriate to maintain the place of employment in a sanitary condition.

OH PART, 474 SANITATION

1910.141(a)(5) Vermin control. Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

1910.141(b) Water supply. 1910.141(b)(1)(i) Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

1910.141(c) Toilet facilities.

1910.141(c)(1) General.

1910.141(c)(1)(i) Except as otherwise indicated in this paragraph (c)(1)(i), toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment in accordance with table J-1 of this section. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where such single-occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of table J-1.

325.47414(1): OH PART 474, SANITATION

1910.141(c)(1)(iii) The sewage disposal method shall not endanger the health of employees.

1910.141(c)(2) Construction of toilet rooms. 1910.141(c)(2)(i) Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy.

1910.141(d)(2) Lavatories.

1910.141(d)(2)(i) Lavatories shall be made available in all places of employment.

1910.141(d)(2)(ii) Each lavatory shall be provided with hot and cold running water, or tepid running water.

1910.141(d)(2)(iii) Hand soap or similar cleansing agents shall be provided.

1910.141(d)(2)(iv) Individual hand towels or sections thereof, of cloth or paper, air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

1910.141(g)(2) Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.