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# MIOSHA

Michigan Occupational Safety and Health Administration  
Department of Licensing and Regulatory Affairs (LARA)

# AGENCY INSTRUCTION

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DOCUMENT IDENTIFIER:

MIOSHA-COM-11-1R1

DATE:

October 13, 2016

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**SUBJECT: Cross-Citing Hazards**

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- 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; OSHA Lansing Area Office; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Cancellations. All previous versions of this agency instruction.
- VI. History. History of previous versions includes:

MIOSHA-COM-11-1, January 24, 2011
- VII. Contact. [Lawrence Hidalgo, Jr.](#), Director, CSHD and [Adrian Rocskay](#), Director, GISHD
- VIII. Originator. [Barton G. Pickelman](#), Director
- IX. 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.

X. Significant Changes.

A. Updated Appendix A and Appendix B to match the SAVEs, rules, or standards currently in effect.

XI. Definitions.

A. **CROSS-CITING:** 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:** This term refers to the area of expertise of compliance staff. MIOSHA includes two disciplines; occupational safety and occupational health compliance.

C. **DUAL INSPECTION/INVESTIGATION:** A dual inspection/investigation is 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):** This term applies to an inspection that is initially opened by either a 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:** Inspections that require participation of a compliance officer from GISHD and a compliance officer from CSHD.

- XII. 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
- XIII. 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.
    - 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 to conduct a dual inspection.
  - 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.
- XIV. 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 is also encouraged to discuss new cross-citable issues for consideration.
- XV. 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**

**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)(a): CS PART 1, GENERAL RULES

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.
- (f) Instruction to each employee who is required to enter a confined space regarding all of the following:
  - (i) The hazards involved.
  - (ii) The necessary precautions to be taken.
  - (iii) The use of required personal protective equipment.
  - (iv) Emergency equipment.
  - (v) The procedures to be followed if an emergency occurs.
- (g) Instruction in the steps or procedures to be followed in case of an injury or accident or other emergency.

408.40114(2)(b): CS PART 1, GENERAL RULES

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:

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- (i) The potential hazards.
- (ii) How to avoid injury.
- (iii) Applicable first aid procedures to be used in the event of injury.
- (f) Instruction to each employee who is required to enter a confined space regarding all of the following:
  - (i) The hazards involved.
  - (ii) The necessary precautions to be taken.
  - (iii) The use of required personal protective equipment.
  - (iv) Emergency equipment.
  - (v) The procedures to be followed if an emergency occurs.
- (g) Instruction in the steps or procedures to be followed in case of an injury or accident or other emergency.

### 408.40114(2)(c): CS PART 1, GENERAL RULES

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.
- (f) Instruction to each employee who is required to enter a confined space regarding all of the following:
  - (i) The hazards involved.
  - (ii) The necessary precautions to be taken.
  - (iii) The use of required personal protective equipment.
  - (iv) Emergency equipment.
  - (v) The procedures to be followed if an emergency occurs.
- (g) Instruction in the steps or procedures to be followed in case of an injury or accident or other emergency.

### 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.

## **Part 6, Personal Protective Equipment**

### 408.40622(1): CS PART 6, PERSONAL PROTECTIVE EQUIPMENT

An employer shall ensure that each affected employee is provided with, and wears, head protection equipment and accessories when the employee is required to be present in areas where a hazard or risk of injury exists

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from any of the following:

- (a) Falling or flying objects or particles.
- (b) Electrical shock and burns.
- (c) From other harmful contacts or exposures.

408.40624(1): CS PART 6, PERSONAL PROTECTIVE EQUIPMENT

An employer shall ensure that each affected employee uses appropriate eye and face protection, when exposed to eye or face hazards or if risk of injury exists from any of the following:

- (a) Flying objects or particles.
- (b) Harmful contacts.
- (c) Exposures, such as glare.
- (d) Liquids.
- (e) Injurious radiation.
- (f) Electrical flash.
- (g) A combination of these hazards.

408.40624a(2): CS PART 6, PERSONAL PROTECTIVE EQUIPMENT

When an employee is welding and using a welding shield, the shield shall incorporate a safety glass feature with a flip-up filter lens or the employee shall wear safety glasses with side shields or goggles under the shield when the shield is raised and is exposed to flying objects.

**Part 21, Guarding or 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(e)(1): OH PART 451, RESPIRATORY PROTECTION, REF 325.60052

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.

1910.134(c)(2)(ii): OH PART 451, RESPIRATORY PROTECTION, REF 325.60052

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.

1910.134(e)(1): OH PART 451, RESPIRATORY PROTECTION, REF 325.60052

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.

1910.134(f)(1): OH PART 451, RESPIRATORY PROTECTION, REF 325.60052

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, REF 325.60052

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.

1910.134(f)(2): OH PART 451, RESPIRATORY PROTECTION, REF 325.60052

The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested at least annually.

1910.134(g)(1)(i)(A): OH PART 451, RESPIRATORY PROTECTION, REF 325.60052

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, REF 325.60052

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, REF 325.60052

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 602, Asbestos Standards for Construction**

1926.1101(k)(2)(i): OH PART 602, ASBESTOS STANDARDS FOR CONSTRUCTION, REF 325.51302

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, REF 325.51302

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**

#### **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, Floor & Wall Openings, Stairways & Skylights**

408.10213(2): GI PART 2, FLOOR AND WALL OPENINGS, STAIRWAYS AND SKYLIGHTS

An open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard barrier on all open sides, as specified in rules 230, 231, and 233(2) of Part 2.

408.10215(2): GI PART 2, FLOOR AND WALL OPENINGS, STAIRWAYS AND SKYLIGHTS

A hatchway, floor opening, or floor hole into which persons may accidentally walk or through which material may fall shall be guarded by 1 of the following as specified by rule 215(2)(a), rule 215(2)(b), or rule 215(2)(c) of Part 2.

#### **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

A means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in case of fire or other emergency.

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**

325.47408(2): OH PART 474, SANITATION

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.

325.47409: OH PART, 474 SANITATION

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.

325.47410(1): OH PART 474, SANITATION

The employer shall ensure that potable water is 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.

325.47414(1): OH PART 474, SANITATION

Except as otherwise indicated in this rule, toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment in accordance with Table 1 of this rule. 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.

325.47414(1): OH PART 474, SANITATION

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.

325.47414(3): OH PART 474, SANITATION

The sewage disposal method shall not endanger the health of employees.

325.47415: OH PART 474, SANITATION

Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy.

325.47417(1): OH PART 474, SANITATION

An employer shall ensure that lavatories are available in all places of employment.

325.47417(3): OH PART 474, SANITATION

An employer shall ensure that each lavatory be provided with hot and cold running water, or tepid running water.

325.47417(4): OH PART 474, SANITATION

An employer shall ensure that Hand soap or similar cleansing agents be provided for use in a lavatory.

325.47417(5): OH PART 474, SANITATION

An employer shall ensure that individual hand towels or sections thereof, of cloth or paper, warm-air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, be provided.

325.47424(2): OH PART 474, SANITATION

No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.